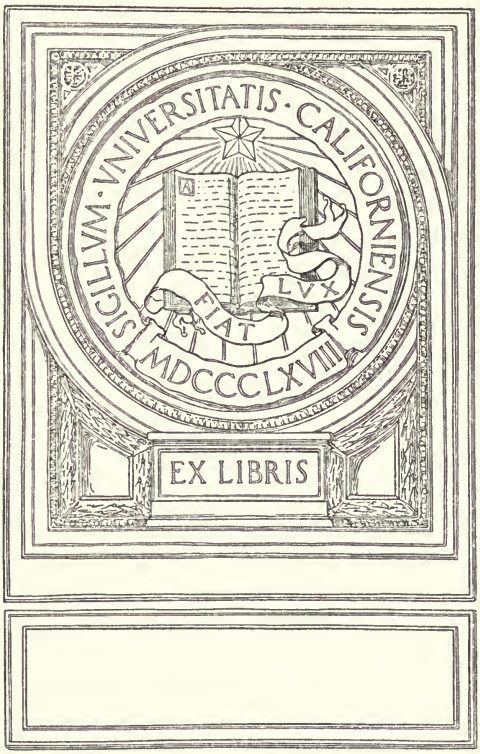
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Thomas H. Benton.

THE LIFE

OF

THOMAS HART BENTON

BY

WILLIAM M. MEIGS

AUTHOR OF "THE LIFE OF CHARLES JARED INGERSOLL," "THE GROWTH OF THE CONSTITUTION IN THE FEDERAL CONVENTION OF 1787," ETC.

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PREFACE

A good many years have passed since I first read Benton's "Thirty Years' View" and was much struck in particular with the immense boldness of the course which he pursued in many instances in his long career. Never afterwards ceasing to feel an interest in his character, I decided later to write a biography of him and began to collect material for the purpose. As some forty years had, however, passed since his death, it was a difficult task to find survivors having personal knowledge of him, though on the whole I have in this search met with more success than I anticipated. He was not, I think, much given to epistolary correspondence, and I have not secured any large mass of his letters; but some scattering ones here and there have served to throw more or less light on his public and private life. He was, however, a man of very strong convictions, and so addicted to "speaking out in meeting" in a pungent way as to be highly interesting to many of his contemporaries, and there are numerous stories of him in print, telling of his opinions and doings. These I have, of course, used largely. To these sources must be added the long record of his speeches and actions in the Senate, which I have gone over with great care.

It has long been well known that Benton was one of the first of our public men of his day, but I think that a consecutive account of his long career will show that, despite his human frailties, he was possibly even entitled to higher rank as a statesman than any one of his three greatest contemporaries in the Senate. From a very early day he saw and understood in the main the immediate future and the needs of his countrymen, and he then strove by simple laws to enable their individual action to

work out that destiny which few perceived so clearly as he did. Beyond question a partisan at times and blinded by his feelings, his course, none the less, shows far more steady adherence from beginning to end to various lines of policy than does that of any of his great associates, and at no time is he to be found abandoning his real beliefs, or vaporing to hide them in a cloud of meaningless words, in the frenzied hope of grasping the Presidency, that will-o'-the-wisp the pursuit of which has injured so many American careers.

I have received aid from numerous sources, many of which are indicated in the text; but the following should be named here. The New York *Nation* and *Evening Post* long ago kindly inserted for me a notice which brought to light one of the largest series of Benton's letters that I have discovered, belonging to the very interesting period in his life soon after his removal to St. Louis. The owner of these, Walter D. Coles, Esq., of St. Louis (a great-grandson of Governor James P. Preston, to whom they were addressed), courteously sent them to me, and I have made extensive use of them. My thanks are due to Mrs. Ben Cable, of Rock Island, Illinois, for early letters between Benton and his mother and brothers, and to the late Charles Roberts, Esq., of Philadelphia, for Benton letters in his collections. The Historical Society of Pennsylvania has some admirably arranged Benton letters, and the Missouri Historical Society, in St. Louis, has others, which were copied for me, as were also those in the Jackson Correspondence recently deposited in the Library of Congress by members of the Blair family.

I am greatly indebted to the late Honorable Richard T. Jacob, of Louisville, Kentucky (a son-in-law of Benton), for some letters as well as other papers, and in particular for a large number of reminiscences by himself of his father-in-law. The late ex-Senator Bradbury, of Maine, was kind enough in his last years and at a very advanced

age to send me valuable recollections of his fellow member in the Senate of more than half a century earlier; and the widely known James T. Yeatman, Esq., of St. Louis, gave me other interesting recollections, while Colonel William T. Switzler, of Boonville, Missouri, sent me an account of Benton's later political struggles and numerous stories of him. I am also deeply indebted to the late Honorable Peter L. Foy, of St. Louis, for much information as to where to inquire and in many other ways, as well as for giving me reminiscences of his own. The late Honorable John M. Lea, of Nashville, was extremely obliging and aided me in researches in Tennessee, as have Colonel Randal M. Ewing, of Franklin, and Dr. George B. Hunter, of Leiper's Fork. In the several libraries and places that I have visited during my study of Benton, the greatest kindness has been uniformly shown me and help has been extended without which much that I have learned would have remained still buried in oblivion.

The frontispiece in this work is a reproduction of the steel engraving of Benton contained in the "Thirty Years' View" and presumably the likeness which he preferred. I have been unable to trace the original, but think it was destroyed by fire. His portrait as a man of early maturity, at page 146, is reproduced from a painting by Wilson Peale, in the Missouri Historical Society, and that at page 508, showing him as an old man, is from another portrait in the Missouri Historical Society. The origin of the illustration at page 46, of the early Benton house, near Franklin, Tennessee, is sufficiently indicated in the text.

In order to avoid the frequent repetition of long titles of books as authorities, I have often mentioned merely the name of the author; a glance at the list of abbreviations used will at once show precisely what book is referred to.

WILLIAM M. MEIGS.

PHILADELPHIA, December, 1904.

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ABBREVIATIONS USED IN REFERRING TO AUTHORITIES

A. of C.	= Annals of Congress.
Ballagh's Slavery in Virginia	= A History of Slavery in Virginia, by James Curtis Ballagh. Johns Hopkins University Studies in Historical and Political Science, Extra Volume XXIV.
Bay	= The Bench and Bar of Missouri, by W. V. N. Bay.
Benton Statue Proceedings	= Proceedings in Congress upon the Acceptance of the Statues of Thomas H. Benton and Francis P. Blair, presented by the State of Missouri. Senate Document No. 456, Fifty-sixth Congress, First Session.
Blair, Gen. F. P., Jr's., Address	= Address of General F. P. Blair, Jr., on the unveiling of the Lafayette Park Monument to Thomas H. Benton, printed in the St. Louis *Daily Democrat* of May 28, 1868.
Calhoun's Correspondence	= Correspondence of John C. Calhoun (American Historical Society Publications), Edited by J. Franklin Jameson.
Catterall's Second Bank	= The Second Bank of the United States, by Ralph C. H. Catterall. The Decennial Publications of the University of Chicago, Second Series, Volume II.
C. D.	= Congressional Debates.
C. G.	= Congressional Globe.
Correspondence of S. P. Chase	= Diary and Correspondence of Salmon P. Chase. Published in Annual Report of the American Historical Association for 1902, Volume II.

DARBY	= Personal Recollections, by John F. Darby.
DYER	= Great Senators of the United States Forty Years Ago, by Oliver Dyer.
FRÉMONT, MRS.	= Biographical Sketch of Senator Benton in Connection with Western Exploration, by Jessie Benton Frémont, printed in J. C. Frémont's Memoirs, i., pp. 1–17.
	Souvenirs of My Times, by Jessie Benton Frémont.
GOODRICH	= Recollections of a Lifetime; or, Men and Things I have seen, by S. C. Goodrich.
KEYES	= Fifty Years' Observation of Men and Events, by E. D. Keyes.
VIEW	= Thirty Years' View, by a Senator of Thirty Years (Thomas H. Benton).
WENTWORTH	= John Wentworth's Congressional Reminiscences: Adams, Benton, Calhoun, Clay, Webster: Fergus Series, No. 24.

THE LIFE

OF

THOMAS HART BENTON

CHAPTER I

ANCESTORS IN NORTH CAROLINA—BIRTH AND EARLY YEARS—REMOVAL TO TENNESSEE

In the year 1765 William Tryon came out from England by royal appointment to take up the duties of governor of North Carolina, bringing with him as private secretary one Jesse Benton. The latter was born in England and is said to have been a man of reserved and scholarly nature, and it can hardly be venturesome to assume that either ill health or poverty and a poor outlook at home were the causes which led him to leave his student life in the old country and cast his lot with the North Carolina of that day. It is likely that he knew nothing in advance of the people among whom he was coming to live, and a man of his tendencies must have found but little in common with the turbulent and uncultivated people of that colony. North Carolina was often called the "refuge of runaways," and is well known to have been to a considerable extent settled by exiles from Virginia and other colonies. But there was also another and a better element in the population, and Mecklenburg County and parts of the hill country in general contained a large sprinkling of a superior foreign element. In a part of

this region Jesse Benton spent at least the latter years of his life.

Tryon was the next to last of North Carolina's royal governors, and came out in the year of the Stamp Act. A man, apparently, of ability, and certainly violent and given to "thorough" methods, he will always be chiefly remembered for the destructive raids he carried out upon defenceless country towns in Connecticut some years later, after his transfer to New York. But in North Carolina also he left a mark. The people of that colony complained bitterly in his day of the exaction of extortionate fees by petty officials, and at length formed associations of "Regulators" to protect themselves. Violent methods were resorted to by some members of these societies, and Tryon doubtless saw in them all mere hordes of "rioters" whose object was to destroy property and kill quiet people. Some of the historians of North Carolina, on the other hand, look upon them as a band of patriots whose noble resistance to tyranny antedated that of the heroes of Lexington. Whatever may be the exact truth as to this, Tryon soon called the militia together, marched against the Regulators, and with great activity and vigor completely overthrew them at the battle of Alamance on May 16, 1771.

This very complete victory—now almost vanished from memory in American history—was followed by the usual crop of hangings, flights, and then of indemnity graciously granted to those who took the iron-clad oath required of them. What part Jesse Benton took in all these proceedings is nowhere stated, but if he was still private secretary he can certainly not have opposed the governor, and his sympathies would naturally have been against the colonists. Neither is there any actual record left of the course he took in public affairs after Tryon went to New York in 1771, nor during the scenes of the Revolutionary drama. It

seems clear, however, that he must have supported the colonists during the actual war, or we should not find him a member of the General Assembly from Orange County in 1781. Still, all his ties were originally with the royalists, and his English origin and associations would naturally have tended to lead him away from the popular side. He had, moreover, married into a family which had been but a short time in this country. His wife was Anne Gooch, the only child of a younger brother of Sir William Gooch, a Scotchman who had been the royal governor of Virginia from 1727 to 1749. The span of a single life often covers stupendous changes in human affairs, but Mrs. Jesse Benton lived to see such a growth of history as may well have made her mind reel. Born in colonial days and under the rule of governors appointed by a power far away across the seas, we shall find her living many, many years later upon the west bank of the Mississippi River in the home of her son, a distinguished member of the Senate of the United States from the State of Missouri. In her earlier days three great European powers had contended at various times for the control of the vast Indian wilderness lying to the west of her home, and she saw all of these disappear before the steady push of her countrymen, while her residence in old age was under the undisputed protection of a national prodigy undreamed of in her childhood and upon the far side of a river the very navigation of which had been shut for many years to the sturdy young people destined to control it.

The parents of Anne Gooch had died when she was a child, and she was in consequence brought up * in the family of Col. Thomas Hart, whose niece she was and whose name she gave later to her eldest son. A daughter

* Letter to the author from Miss Lucretia Hart Clay, of Lexington, Kentucky, a great-granddaughter of Col. Thomas Hart.

of Col. Hart married Henry Clay, and the relationship thus existing between the Bentons and Mrs. Clay was the origin of the oft-repeated error that Benton and Clay were cousins.

In a sketch * which affords almost the only information as to the earlier years of the Bentons in this country, Mrs. Frémont, a daughter of the subject of this biography, writes that Jesse Benton was quite out of his element in a new country. Reserved, intensely English, and of a scholarly turn of mind, his natural preference was for settled usages and a life confined to his family and his cherished library. In this were to be found fine editions of the great English classics, as well as various books in Greek, Latin, French, and Spanish, with all of which languages he was familiar. But his life of contemplation and of literary ease was rudely ended by the outbreak of the Revolution, and he soon found himself poor and with a large family. The same authority writes that this pressing need induced him to turn westward, and that he led the first surveying party into Kentucky, and it may be safely assumed that he was the "Benton" whose name appears † in 1775 or 1776 among the immigrants to join Boone's new settlement of Boonesborough. But he did not settle in the then West, but lived at least his latter years in the hill-country of North Carolina, near Hillsboro, Orange County. Here his eldest son, the subject

* Printed in J. C. Frémont's Memoirs, i., pp. 1–17. I have followed Mrs. Frémont as to the early Bentons in America, though it is curious that Benton himself on one occasion speaks distinctly of his paternal grandfather in this country (View, i., p. 77), and seems to do the same thing on other occasions (Ibid., pp. 57, 98, 118). I think I can see in a number of instances that, though Benton had a wonderful memory, he was by no means always accurate as to matters which probably did not seem to him important or of general interest.

† R. G. Thwaites's Daniel Boone, p. 127.

of this Life, was born on the 14th of March, 1782, and here were doubtless also born the seven other children. They came into the world very close to each other, and at the time of the father's death—when the eldest son was but eight years old—six or seven younger children were living. It seems that the father had in him the seeds of pulmonary consumption, and this dread disease had already begun to assert its power at the time of his surveying experience. He persevered, however, long enough to secure large landed property, but died soon after his return to North Carolina. He was a lawyer by profession, apparently of some fame, and had business relations with his wife's former guardian, Colonel Hart. It is worthy to be recorded that he was a friend of the great pioneer, Daniel Boone, and, curiously enough, Andrew Jackson was the recipient of hospitality in his house.* In his last illness, foreseeing no doubt the anxious and wearing years that lay before his widow, with grinding poverty ahead and a large family to care for, poor Benton asked a devoted friend to look after her and them. This gentleman was a chaplain who had also come out with Governor Tryon, a man of high character and of the same cultivated mind as Jesse Benton. They had each found in the other a congenial friend in the world of angry agitation and of war in which fate had cast their lots, and Benton turned to him in his last hours to ask a service which the chaplain on his part is said to have faithfully rendered.

A painful tale is told by Mrs. Frémont from her father's own lips of an experience he had at about this time when a boy of but eight years. It seems that his mother had some severe illness after the death of her husband, and Thomas did not see her for a long time. At length he was taken into her presence, but in place

* View, i., pp. 736, 737.

of the young mother he had known, "with light brown hair crowning her stately head and health and animation lighting her blue eyes," he found a thin, white-faced, and white-haired woman, who took his hand and put it in that of a baby-girl, telling him that he was now the head of the family, the eldest son, and must be her help in taking care of the others. A deep impression was evidently made upon him by this scene, from which, he told his daughter, he ran out into the grove, and there, "with cries and lamentations, made war on myself, until I could accept that ghost in place of my own mother." There the chaplain found him, and doubtless gave the boy such consolation as the circumstances permitted. This friend of the father became the tutor of the Benton children for some years and gave instruction in Latin and Greek to at least the eldest son. It seems that the lessons in Greek were begun one Sunday on the way home from chapel. The chaplain had with him on this occasion a Greek testament, and read verses from the Sermon on the Mount to the boy, giving him the meaning and making him repeat correctly. But the chief element in the home education of Benton was the influence and character of his mother. In his brief autobiography * he begins with a tribute to her and says he

* I was unable for a long time to discover this autobiographical sketch, which I found quoted as being in the Thirty Years' View. It was not contained in my copy, nor in some others I looked at, and was apparently not in the copy in the Library of Congress; but at length I discovered it in one of the copies in the Historical Society of Pennsylvania. It is not paged regularly and follows immediately after the Table of Contents. A note at the head says that it was prepared by its author "while he was suffering excruciating pain from the disease that, a few weeks later, closed his earthly career." It was therefore evidently written after the book was copyrighted and many copies issued, and was doubtless merely bound up with some of the copies issued about the time of Benton's death and later.

thinks that all the children received from her the impress of future character. She was, he writes, "a woman of reading and observation—solid reading and observation of the men of the Revolution brought together by the course of hospitality of that time, in which the houses of friends and not taverns were the universal stopping-places. . . . She was also a pious and religious woman, cultivating the moral and religious education of her children and connected all her life with the Christian Church, first as a member of the English Episcopalian; and, when removal to the great West—then in the wilderness—had broken that connection, then in the Methodist-Episcopalian, in which she died. All the minor virtues, as well as the greater, were cherished by her, and her house, the resort of the eminent men of the time, was the abode of temperance, modesty, and decorum. A pack of cards was never seen in her house." Mrs. Frémont thinks that it was the mother who implanted in him his great industry and his truth, courage, and justice.

But few of Benton's very early recollections are preserved, but he stated * once that he remembered to have seen as a mere child revolutionary soldiers coming to his father's house to ask legal advice whether there was not some way by which they could recover their rights to bounty lands after they had been induced to part with their certificates for a mere song. A deep impression was made upon the boy by the hopeless cases of these unfortunates, so that he hated to the end to see the mere word *assigns* contained in any such law.

Benton wrote in his autobiographical sketch that he had but an imperfect education: he went first to a grammar school kept by a young New England emigrant, named Richard Stanford, who was subsequently

* C. G., 33d Cong., 2d Sess., p. 998.

for many years a member of Congress, and he was also for a time a matriculate of the University of North Carolina at Chapel Hill. This was in the year 1799, and it may be added that he was during his short college life a member of "The Philanthropic Society." But he was only at the university one year at most, and then probably left so as to accompany his mother and family in their long migration to the portion of Middle Tennessee known at that time as "the Cumberland settlement." It has been seen that Jesse Benton had before his death secured a large tract of land—which, the son writes, contained forty thousand acres—in the then far western country, and it was to this that Mrs. Benton moved with her family, probably in the year 1799. It was situated near the town of Franklin and not very far from Nashville.

This was a severe journey to be made by a widow with a large family of children. The distance from her home near Hillsboro must have been from five hundred to six hundred miles, and the roads were rough and hilly and had only very recently been rendered at all safe from Indians. Indeed, as late as 1794–96 all of Tennessee was alarmed over an Indian uprising, and Knoxville and Nashville were both threatened. But a few years had passed since it was the custom for the territorial authorities to provide annually for the escort of immigrants to the Cumberland settlements; and Mrs. Benton, if she did not go under protection of this kind, doubtless at least went in company with numbers of other immigrants who were, like herself, seeking to better their prospects in life by settling in the country beyond the mountains. I suppose her journey must have been through the North Carolina mountains by way of the Watauga River and then down the valley of the Holston to Fort Campbell, near where the Holston and the Clinch Rivers unite to form the Tennessee; and that she then struck northwestwardly

over the mountains to the valley of the Cumberland, and so on to Nashville.

Much of the journey lay through an almost primeval forest where settlers were but scattering and where a very few years before nature and the Indian had reigned supreme. Francis Baily, then an unknown young Englishman, but later an astronomer of fame, traversed part of the same country from Nashville to the East in August, 1797, and has recorded * some of his experiences. He was on horseback and a good deal of the time alone, and it took him nine days to travel from Nashville to the neighborhood of Fort Campbell. He speaks of the road as being extremely rough and in places even difficult to find, and refers more than once to the gloomy and majestic scenery of the immense stretch of forest, and the overpowering sense of solitude it produced.

One evening as he wandered about his camp admiring the beauty of the place, embosomed in the woods and mountains, he writes that he became impressed with so profound a sense of his insignificance among the superb works of the divine Creator around him that his mind ran into a train of thought somewhat similar, he thinks, to what Addison must have felt when writing certain numbers of the *Spectator*.

Baily passed some of his nights at the houses of settlers which he chanced to reach at a suitable hour, but often slept in the open. On his first experience of this sort, he tells in some detail how, finding towards evening that he could not reach any settlement, he stopped at an early hour near a creek, built a fire, and made his coffee in a tin cup and then took a hearty meal from his plain fare. Soon after, spreading his blankets out, he lay down, wondering whether the feeling of being all alone in the

* Journal of a Tour in Unsettled Parts of the United States of North America in 1796 and 1797. By the late Francis Baily, etc.

immense forest for the first night in his life would fill his mind with dismal and melancholy apprehensions, but slept soundly until the morning without once awaking.

On another occasion, after a hot and tiresome day, night overtook him near the brow of a mountain and there was every promise of a violent thunderstorm, so that he would gladly have stopped but for the pains of great thirst, which impelled him to keep on in the dark with the hope of reaching a creek. But he found none, and by ten o'clock the thunder and lightning were very severe and he feared he should not be able to kindle a fire, so he stopped where he was, gathered a mass of wood and made a big fire, and then lay down in his blanket. But soon the rain began to fall in torrents, and put his fire out, and he fell fast asleep in the battle of the elements with his head on a log for a pillow. Waking up, however, during the night, he found his blankets drenched and himself nearly covered with water, for, with an ignorance no backwoodsman would have been guilty of, he had lain down in a hollow which the storm had changed into a rivulet. Wringing his blankets out he tried it again on a higher spot of ground and slept soundly till morning, when he awoke to find a brilliant sky and the sun rising in majesty.

On still another evening, when rain threatened, our traveller passed the night with some companions whom he chanced to meet, and the party put up "a curious kind of Indian tent out of the bark of some trees which we saw scattered about," in which they passed the night comfortably. He found many of the families so poorly supplied with provisions that they could not let him have any. All the houses were of course but one story high, and the flooring—if any—was made of very rough boards laid directly upon the ground or in some instances on joists.

CHAPTER II

SETTLEMENT OF THE REGION BEYOND THE MOUNTAINS—THE NAVIGATION OF THE MISSISSIPPI AND DETERMINATION OF THE WEST TO CONTROL IT—ITS ABSOLUTE NECESSITY TO THEM—HOSTILITY OF THE EAST

THE growth of the British settlements in the middle and southern parts of North America was for many years entirely confined to the region lying between the Atlantic coast and the great chain of mountains inland. First planting their homes near the coast or on the navigable rivers leading to it, the colonists gradually spread westward over the flat or rolling country, but it was long before they invaded the hills of the great Appalachian chain.

Indeed, this region was so different in character, so rough, so completely separated from civilization, that it was in the end settled by quite a different race of people. The boldest and most hardy of men were here essential, for the labor before them involved all the usual trials of pioneer work of the roughest kind, and they had moreover to conquer the territory inch by inch from the most dangerous savage foe * that civilized man has had to meet.

The people for this work was found in the main in the descendants in this country of the Scotch-Irish immigrants, mingled of course with the roving characters and adventure-loving spirits of many other races. They constituted the "backwoodsmen" of the time and were

* Mr. Roosevelt (Winning of the West, i., p. 17) emphasizes this point. I am very much indebted to this admirable work for my account of the Southwestern people.

the first to settle on the slopes of the Alleghany Mountains and in the valleys which lie on the Eastern edge of the chain. As they gradually poured over the tops of the ranges they first came to in their westward progress, and reached the valleys lying between the hills, towering mountains rendered further progress to the westward well-nigh impossible, but smiling valleys stretched out as far as the eye could reach to the southward and seemed to invite them to press on in that direction.

When they or their fathers had left the civilized regions near the coast, they had gone westward and established a primitive civilization of their own in the back regions of the colonies, but now, as their population grew by natural increase and by new migrations, they changed the course of their march and swept along the edges of the hills and down the valleys towards the south. And in the course of years their civilization came to cover the whole of the hill-region lying along the eastern slope of the mountains between Pennsylvania and the Carolinas. Detesting the Quakers of Pennsylvania and forever fighting with them, they had little in common with the inhabitants of any of the colonies they lived in, but formed one homogeneous people among themselves over all the long extent of territory they covered.

But even this hardy race of pioneers was for many years halted by the higher ranges of mountains, and down to near the time of the Revolution had not penetrated into the country beyond the Alleghenies. The pathless stretches of rocky hills, covered over with rough forests, forced them to change the direction of their progress.

Even long-settled communities in Europe, with the means of transportation then known to the world, found mountain-ranges a tremendous barrier to communication, and in America the consequence of the Alleghenies

was that the country to the west of them was more easily reached by the French from far-off Canada than it was from the vastly nearer British settlements. And the mountains came to be a sort of natural boundary between the English and the French, not admitted, but in fact the limit of their respective operations.

This great line of natural division is essential to be borne in mind by those seeking to understand the feeling and tendencies of the early settlers of what was then known as "the West." No one can otherwise have any comprehension of the early history of Tennessee or Kentucky.

During the Revolution and for some few years previous, important movements had occurred in the settlement of this section. The great pioneer Boone had penetrated beyond the mountains to become fascinated with the blue-grass region of Kentucky, and a settlement had been made, mainly by emigrants from Virginia, on the Watauga River in what is now Northeastern Tennessee.

Here came John Sevier and James Robertson, the latter soon to be the founder of Nashboro on the Cumberland, and the former the greatest of all Indian fighters and the most popular man of the whole Southwest. Sevier moved later to the settlements on the Nolichucky River, and "Nolichucky Jack" was for many years the hero whom every backwoodsman worshipped, and the universal reliance in cases of Indian uprisings. And during the Revolution the inhabitants of the coast owed a deep debt of gratitude to him and all the settlers in this outlying region, who have been well called "The Rear Guard of the Revolution." Not only did they protect the more eastern regions from the horrors of Indian attack, but in one instance they crossed the mountains to the east by such rapid movements as they alone were able to make, and at the battle of King's Mountain com-

pletely overwhelmed and destroyed the British Colonel Ferguson and his command.

This was an event having a most important influence on far greater military movements to the eastward, while the victories of General George Rogers Clark in the then far West and Northwest were no less vital in determining the control of the continent.

In 1782, when the Revolution was practically ended and when Benton was born into the world, "the people beyond the mountains" had come to be of some degree of importance. Settled, as has been said, in the main by the Scotch-Irish of the back country, the immigrant streams of this race which had occupied the particular region we are concerned with had come chiefly from Virginia; and both Kentucky and Tennessee had all their affections and interests bound up with the Southern States. To them they were near, side by side with them they had battled against the English and the red man of the woods, and it was plain that in the future their natural political alliance would be with the South. Pennsylvania, their original home, was very far off, and the East was farther yet and had had no share whatsoever in their development. The South looked upon the new settlements as a part of themselves, bound to increase their power and influence in the future, while the East looked upon them as far-off strangers, quite lacking in civilization, and destined inevitably to lessen its relative importance in the Confederation or any union that might follow upon it.

The East and the South then and for many years looked upon each other with suspicion and distrust, both seeking to control the Union and at the same time fearing that the other section would gain the upper hand; and their rivalry upon this point would furnish the true key to many a problem for which historians assign other causes.

The vast settlement of the region northwest of the

Ohio, which was destined entirely to overturn the calculations of that time upon this subject and to increase so enormously the power of the North in the Union, had not then begun or was barely in embryo, and all the men of that day and for some years afterwards looked upon the settlement of "the West" as bound to increase the political power of the South. Instances of this belief can be found in the contests over representation in the Constitutional Convention of 1787, and all the political thought of the day assumed it as a fact. But it was not many years before "the West" of a few years earlier was known as "the Southwest," and the old term had come to indicate *par excellence* the rapidly growing region northwest of the Ohio River.

In these facts is to be found the reason why the Southern statesmen were generally friendly to the new settlements, while the Easterners ignored them or were actively hostile. It was not because the Southerners of that day were more far-seeing than the New Englanders, —though such was undoubtedly the fact,—but because the former knew that these settlements were of necessity friends of theirs, while the latter knew that every settler in the Southwestern region tended to the diminution of the East's power in the country. The matter had therefore a most vital bearing on the question of the future control of the Union.

It is very important to realize that there was a world of meaning in the language of the day, which described the new settlements as "over the mountains"—or *beyond* them. They were not so far off in distance from the settled regions nearer the sea-coast, but were in effect completely isolated from them by nature, and their only practicable outlet lay in quite a different direction.

Between them and the harbors of the Atlantic coast towered great ranges of mountains which rendered transportation in that direction almost impossible, while

magnificent rivers flowed by their doors, the waters of all of which poured onward, growing steadily by accessions, until they reached the Gulf of Mexico by the majestic Father of Waters. It is true that some little traffic was carried on the backs of pack-horses over the mountains and thence to the coastwise regions, but commerce in the great sense was impossible in this way. Railroads were then hardly dreamed of, and without them centuries of time could not have afforded the people a market for their produce by any route to the eastward. Washington, Jefferson, and others had plans of opening communication over the watershed separating the headwaters of some more northern streams, but to the people of Tennessee and Kentucky no such line of communication offered.

On the other hand, the many rapidly flowing rivers seemed as if created for the purpose of carrying a vast commerce on their bosoms to the sea. In his earlier days, at Madrid, Jay had well expressed the feelings of the people upon this subject, when he told Gardoqui that "the Americans, almost to a man, believed that God Almighty had made that river [the Mississippi] a highway for the people of the upper country to go to the sea by . . . and that the inhabitants would not be readily convinced of the justice of being obliged either to live without foreign commodities or lose the surplus of their productions, or be obliged to transport both over rugged mountains and through an immense wilderness to and from the sea, when they daily saw a fine river flowing before their doors and offering to save them all that trouble and expense."

This undoubtedly represented the feelings of the Americans in Tennessee and Kentucky, and it furnishes the key-note to all the political movements of the time—to the wranglings and bickerings with the ruling powers of the Confederation and of the Union, as well as to the

risky dallyings with the Spaniards at New Orleans. The future was sealed to them, they did not and could not foresee the immense empire that was to grow up under the ægis of the Federal Union, and the central power of the country was almost an unknown quantity.

Not only did it not protect them in the assertion of their right to navigate the Mississippi, but they well knew that many leading men of the country and nearly the unanimous voice of a powerful section cared nothing for that claim of right unless as a means of securing commercial treaties of benefit to themselves. To them, on the other hand, the navigation of that river was the essential point, with which in their magnificent country they could hope for a grand development, without which they must inevitably become stunted and dwarfed from lack of access to the markets of the world.

No wonder that the mere sentimental attachment to the weak central power at Philadelphia gave way at times before this overwhelming necessity, and that numbers of leading men in Kentucky and Tennessee had more or less communication with the Spaniards with the view of ascertaining what rights could be secured from them, if the worst came to the worst.

The Westerners and the Americans generally had, moreover, a strong claim in law to the right to navigate the Mississippi. Had they remained subjects of Great Britain, it is hard to see how their claim could have been contested, and by the results of the Revolution they had succeeded in general to the rights of Great Britain upon the continent. The Treaty of Paris of 1763, by which the war between England and her colonies on one side and France and Spain on the other was ended, transferred Canada and other regions of this country to Great Britain, and by its seventh article France admitted England's title to the middle of the Mississippi River and ceded to her everything on the left bank of that river

except the town of New Orleans and the island on which it was situated. The article then went on immediately as follows:

"it being well understood that the navigation of the river Mississippi shall be equally free, as well to the subjects of Great Britain as to those of France, in its whole length and breadth from its source to the sea; and expressly that part which is between the said island of New Orleans, and the right bank of that river, as well as the passage both in and out of its mouth. It is further stipulated that the vessels belonging to the subjects of either nation shall not be stopped, visited, or subjected to the payment of any duty whatever."

Nor was this all, for the right could also be maintained with some strength under the general principles of international law. It is true that, like all such questions, this one was very doubtful, and instances such as those of the Rhine and the Scheldt could be cited, where the dwellers on the upper banks of a river only succeeded by public treaty in acquiring the right to navigate it to its mouth through alien territory; but the right to do so was asserted as a right in Europe, and in this country the nature of the circumstances and the thin settlement of the region to be traversed made the claim stronger.

The people of that day were enormously influenced by the philosophy which preceded the French Revolution, and the Americans felt that in "natural justice" their claim was of overwhelming strength. On the other hand, the Spanish negotiators had a strong point in the instance of the Tagus River, which they said their people would be much pleased to navigate through Portugal, but the Portuguese rejected the claim.

Our countrymen of the then West discussed these questions, but there was a breezy independence of precedent in them and they were very willing in case of need to put themselves in the position of pioneers in inter-

national law, as they had been in the wilderness of nature. If international law was against them on this point, they were undoubtedly willing and intended to change the rules of that vague science. The prime point to them was that the navigation was an essential, and they meant to take it by force some day, if they could not get it otherwise. They knew well that not many years would elapse, before any effort of the puny Spanish settlements on the lower river to resist them would be utterly futile, and they thirsted for the time to come when they could leap at their prey. In some of the instances where their claim was denied and their countrymen roughly handled by the arrogant dons, one can see in their furious outbursts of passion how they hankered to be up and at their enemy.

An echo of their feeling is to be found in a speech * of Benton's in 1835 in which he said that, if we had not obtained Louisiana by money, "we should soon have possessed it by blood. The young West, like a lion, would have sprung upon the delta of the Mississippi, and we should have had an earlier edition of the battle of New Orleans."

During the Revolution, moreover, the colonists had been in the habit of exercising the right of navigating the Mississippi, for Spain was then very willing to furnish supplies to aid them in their revolt against Great Britain. The settlers in the region we are concerned with had therefore known no time at which they could not trade on that river, and had come almost to think it a part of themselves.

Any proposal to part with it must have seemed to them much like a suggestion to cut off an arm or leg, and they would have entirely endorsed the homely language of Franklin, who wrote † in 1780 that nothing would in-

* C. D., vol. xi., part 1, 1834–35, col. 155.

† Quoted in Justin Winsor's Westward Movement, p. 183.

duce him to sell a drop of its waters: "a neighbor," he added, "might as well ask me to sell my street door." But when the war was nearing its end and Spain awoke to the consciousness that her participation in the Revolution had not only contributed to humble England but had aided in the founding of communities which were soon to be vastly dangerous to her own settlements, she wanted to curb the sturdy growth of these thorns in her sides, and she refused point-blank to permit any American to float his goods down the great Father of Waters.

Jay's efforts at Madrid in 1780 to overcome this determination were unavailing, and for the better part of a generation the new settlements found themselves denied that which they believed to be their right and knew to be an absolute essential. During this term navigation to the sea was permitted to some few, happily very few, Americans who had sold their honor to acquire the right, but to all others it was almost entirely denied and was always attended with grave risk of capricious seizures and imprisonment.

Nor was this refusal of the Spaniards by any means the worst feature of the matter to the pioneers on our then Southwestern border. Far worse, their own countrymen seemed quite willing to abandon the assertion of their rights and to leave them alone in a condition of isolation. The very authorities at the seat of government, whose clear duty it was to consider the whole country, were so ignorant or oblivious of the absolutely essential interests of the new Southwest that a majority of the States was ready to use these interests as an element of barter in obtaining a treaty for the benefit of the inhabitants of the seaboard region.

In 1785 Spain's minister Gardoqui arrived in this country, and soon he and Jay were again engaged in an effort to negotiate a treaty between the two countries. The Spaniards were willing to enter into a commercial

treaty of some value to parts of this country, but Jay found their representative absolutely inflexible on the question of the navigation of the Mississippi, which, Spain insisted, must be given up. At length, Jay was led to yield the sound views which he had formerly maintained under the instructions of his government, and he seems to have become convinced of the truth of the view Gardoqui had urged * upon him in Spain some years before, that the present generation of Americans would not need the river.

Doubtless he had no conception of the rapidity with which the Western region was even then filling up and of the vastly greater rush of immigration that was only awaiting the opening of the Mississippi River in order to go there; and of course also the benefits of the commercial treaty were very real to him with his associations on the seaboard, while the navigation of the Mississippi River was far off and was only of benefit to some people whom he probably looked upon as half civilized. But his instructions forbade him to yield the navigation of the river, so on September 3, 1786, he went before Congress in secret session, reported the state of his negotiations, and dwelt upon the importance of securing a commercial treaty.

We could not then make war, he said, and he did not think the navigation for twenty-five years would be of any importance, so he suggested that we agree "to forbear to use" the navigation of the river below our territories for twenty-five years. And for this proposal the seven Northern States voted solidly, while the six Southern ones were all upon the other side.

It required nine votes under the Confederation to ratify a treaty, but Jay considered this vote as authorizing him to negotiate with Gardoqui upon this new basis,

* Winsor's Westward Movement, p. 183.

while the minority maintained that he had no such right except upon the affirmative vote of nine States. In pursuance of his belief, Jay again opened negotiations with Gardoqui in the spring of 1787, but found him still inexorable: the forbearance to use was no inducement and he insisted that the claim of right should be renounced.

The proposed commercial treaty failed therefore to reach even the stage of a draft, and it was not long before the secret proceedings became known. The excitement throughout the West was intense, and the people felt that they were abandoned by those who should have guarded their rights and that they must in self-defence take whatever measures were necessary for protection against a great wrong.

Inflammatory addresses were circulated, threatening union with other countries, and emissaries both from Spain and Great Britain had little difficulty in finding ears quite open to proposals for some sort of union with them. Mirò on behalf of Spain suggested concessions as to the navigation of the Mississippi, and even offered to admit their products free of duty, and some traffic to New Orleans grew up.

Jay's awful slip is one more instance of the blindness of man to whatever is not directly before his eyes. To the Westerner the proposition itself—let alone the exaggerated and garbled accounts of it, which were of course current—meant that he should agree to be stifled in his isolation for a term of years which seems to youth a lifetime and to middle life means old age or the grave. Can any man wonder that some of their leaders entered into communication with the agents of other countries, so that, if such a vile project were consummated, they could in one way or another secure for themselves and their people some means for a tolerable existence during their few short years of human life? The blindness of

Jay in this instance is shown by the fact that in five years after his proposal in Congress settlers were pouring into the new region in ever increasing throngs, and within ten years Tennessee was admitted into the Union as a State with a population of 76,000, while as early as 1795 Spain had agreed to a treaty giving the Americans all they asked for in regard to the navigation of the Mississippi.

Washington's view was vastly wiser. He could foresee the future and wait for it, and he wrote that "whenever the new States become so populous and so extended to the westward, as to really need it, there will be no power which can deprive them of the use of the Mississippi," * and that in the meantime it would be best not to urge the subject.

With the formation of the present Union in 1789, the United States became far more capable in case of need to deal vigorously with home questions, and had given moreover to the world an object-lesson of their capabilities which soon won for us greater respect abroad. But, even more important than this, settlers had been pouring over the mountains and down the troughs of the valleys in such throngs into the Southwest, that there was soon there a population which the Spaniards saw would inevitably in the course of a few years inflict an ignominious wound upon their pride and seize by force those rights long vainly contended for.

Accordingly, when Thomas Pinckney entered into negotiations in Spain in 1795, he found a very different state of affairs from that bald refusal to consider the American contention which had led Jay to commit his stupendous blunder. At first Pinckney met with some

* Quoted from Thomas Marshall Green's Spanish Conspiracy, p. 31. See generally The Opening of the Mississippi, by Frederick Austin Ogg, chap. ix.

difficulties, but he soon decided to stand Spanish delays no longer, and demanded his passports, and it was not then long before he secured everything he had come for. On October 27, 1795, he and the Spanish authorities signed the treaty of San Lorenzo, by which Spain conceded the right of the Americans to navigate the Mississippi from its source to the sea, admitted them for three years to a right of deposit for their goods *in transitu* at the city of New Orleans without any charge other than a reasonable one for storage and incidental expenses, and agreed that, if Spain should decide not to extend this term of three years, she should name some other point on the island of New Orleans as a place of deposit for the American trade.*

As has been pointed out by a recent writer, this vastly important treaty and its negotiator have by no means received the fame in our history which they merit. The work of Pinckney ended at once the international troubles of the then Western border. From that date on, the Southwest could dispose of its produce, its great future was assured, and it filled up with population with the utmost rapidity. Only once again did any similar danger confront it, and that was when there was a possibility of collision with the vast power of France under Bonaparte.

In the autumn of 1800, by the secret treaty of St. Ildephonso, Spain agreed in certain events to retrocede Louisiana to France, and, though the secret was carefully guarded, yet whisperings of it leaked out slowly, and under the instructions of President Jefferson our minister to France was the next year actively engaged in seeking to find out the truth. As is well known, these inquiries ended in the purchase by Jefferson of the whole of the immense territory of Louisiana—an event of such far-

* Roosevelt's Winning of the West, iv., p. 207; C. C. Pinckney's Thomas Pinckney, p. 131.

reaching consequences in every way that the human mind can hardly grasp it. The West was then absolutely secure to us for all time, and the valley of the Mississippi and the immense region tributary to its waters was reserved for American civilization.

But during the very last hours there was once more serious trouble. The Spaniards were still in possession at New Orleans in 1802, for the secret treaty had not been carried into execution, and they seem to have been appalled at the inpouring of our people. A grant of land made to an American was consequently annulled and further grants forbidden, and then on October 11, 1802, the Intendant Morales issued a proclamation by which he suspended the American right of deposit at New Orleans. In so doing he nearly produced a famine in that city, so dependent had it come to be upon our trade, and he set the whole West in a fury of indignation.

This is not the place to go in detail into the many appeals from western bodies at this time, but Marbois * has well summed up as follows the burden of the arguments of the Westerners upon the subject:

"The Mississippi," they said, "is ours by the law of nature; it belongs to us by our numbers, and by the labor which we have bestowed on those spots, which, before our arrival, were desert and barren. Our innumerable rivers swell it, and flow with it into the Gulf of Mexico. Its mouth is the only issue which nature has given to our waters, and we wish to use it for our vessels. No power in the world shall deprive us of this right. We do not prevent the Spaniards and French from ascending the river to our towns and villages. We wish in our turn to descend it without any interruption to its mouth, to ascend it again, and exercise our privilege of trading on it and navigating it at our pleasure. If our most entire liberty in this matter is disputed, nothing shall prevent our taking possession of the capital, and when we are once masters of it, we shall know how to maintain ourselves there. If Congress

* Barbé Marbois's History of Louisiana, translated from the French. Philadelphia, 1830, pp. 215–16.

refuses us effectual protection, if it forsakes us, we will adopt the measures which our safety requires, even if they endanger the peace of the Union and our connection with the other States. No protection, no allegiance."

It cannot be doubted that this fairly represented the feeling of the West upon the subject, nor that the people of that region could easily have carried into execution the threat of forcible seizure as against any enemy they were likely to meet there. Bonaparte could not afford to maintain in this country the necessary force, and Spain and its feeble possessions about New Orleans were altogether incapable of offering any effective resistance to the thousands of hardy riflemen the West could have sent against them. In a very few months, however, all thought of seizing New Orleans by force and all threats against the Union for not maintaining their right to navigate the Mississippi were replaced by a blaze of peaceful triumph, as the first book in the history of the great West was ended for all time by the purchase of Louisiana.

I have considered it necessary to go into these matters of general history at some length for more than one reason. In the first place, the romance of the early settlement and growth of the Southwest has been absolutely forgotten and swallowed up in the more recent like events on the far Western plains. These latter have taken place almost entirely at the hands of northern enterprise and largely controlled by settlers from New England, and, as the North and especially New England have been the writers of our history, they have naturally neglected a chapter which belongs to the South. But the growth of the Southwest has at least an equal interest, and the settlers of that region had difficulties and hardships to encounter which the later settlers of the far West were to a great extent relieved of. Mr. Roosevelt calls attention to the fact that north of the Ohio the settle-

ments grew up behind the shelter of the United States army and that the region was to a large extent controlled by the federal authorities; but in the Southwest no such aid whatever was afforded, and the hardy pioneers had themselves to form and lead their own armies, to win their own fights, and then by their unaided efforts to hold the land against some of the strongest and most numerous Indian tribes found upon the continent.

But more important to us than this is the fact that even the earliest part of the history of the Southwest has the strongest bearing on the character of the people Benton lived with in his youth, and the later portions of it upon his own individual opinions. During his boyhood and until he was about seventeen, he lived in one of the old Southern States, and he then went across the mountains and settled in Tennessee. Here, still a very young man for some years, he of course imbibed the opinions of his neighbors, who undoubtedly all felt—and rightly—that the South was their friend and the supporter of their interests, while the far-off East cared nothing for them and would even have been glad to cast them off. The conduct of the latter section during the earlier contests over the navigation of the Mississippi made a deep impression on the people of the Southwest, and its effects on Benton can be clearly seen in speeches he made more than thirty years later. Indeed, it was not until the lapse of half a century, and under circumstances and a political contest which produced an entirely different alignment, that he at length broke away from the associations of his earlier years and is to be found acting in the main with the section which he had undoubtedly distrusted and disliked.

He had felt in his own person in youth the disastrous effects upon his portion of our common country of the policy which New England was then only too willing to adopt. He had in 1802 seen ruin staring him and all

the people of the Southwest in the face, when the navigation of the Mississippi was for a time shut to them, and soon after this he heard from the distance the ravings of the New Englanders over the purchase of Louisiana and their passionate threats to destroy the Union.

"If this bill passes," said Josiah Quincy,* in speaking of the bill for the admission of the Territory of Orleans as a State, "it is my deliberate opinion that it is virtually a dissolution of this Union; that it will free the States from their moral obligation, and, as it will be the right of all, so it will be the duty of some, definitely to prepare for a separation, amicably if they can, violently if they must . . .

"'What shall we do,' says the gentleman from Tennessee (Rhea), 'if we do not admit the people of Louisiana into the Union? —our children are settling that country.' Sir, it is no concern of mine what he does. Because his children have run wild and uncovered into the woods, is that a reason for him to break into my house, or the house of my friends, to filch our children's clothes, in order to cover his children's nakedness? This Constitution never was, and never can be, strained to lap over the wilderness of the West. . . . It was never constructed to form a covering for the inhabitants of the Missouri and the Red River country. . . . You have no authority to throw the rights and liberties and property of this people into a 'hotch-pot' with the wild men on the Missouri, nor with the mixed, though more respectable, race of Anglo-Hispano-Gallo Americans, who bask on the sands in the mouth of the Mississippi. . . . Do you suppose the people of the Northern and Atlantic States will, or ought to, look on with patience and see Representatives and Senators from the Red River and Missouri pouring themselves on this and the other floor, managing the concerns of a seaboard fifteen hundred miles at least from their residence, and having a preponderancy in councils, into which constitutionally they could never have been admitted?"

It cannot be doubted that these views fairly represented the wishes of New England at that day, and what a profound impression they must have made on Benton! On this and other occasions he saw the people of that

* A. of C., 11th Cong., 3d Sess., 1810–11, pp. 525–40.

section put themselves on record as bitter opponents of a policy vital to the future of the region where he lived, and which secured it at once from all foreign trouble and offered it a great future, and all this was of course greatly emphasized by their conduct during the War of 1812. It must have been a terrible struggle to overcome these memories, and the iron-strong mind of Benton only did so when he felt that the Union was at stake. It is indeed a curious instance of the changes of human affairs that as an old man he had to seek safety for the Union by uniting with that section which in his early years he had rightly looked upon as having been more than once ready to break it to pieces.

With the history of Tennessee in particular we need not trouble ourselves much here. It is only the general history of the section that has any bearing on the growth of Benton's opinions. Always neglected by the parent State of North Carolina, the region was ceded by her to the General Government in 1784, and the inhabitants then formed the State of Franklin, and elected Sevier governor. But this did not meet the wishes of the rulers of North Carolina, so they recalled their cession, and the State of Franklin soon came to an ignominious end. In 1790, one year after the formation of the present union, North Carolina once more ceded the region to the General Government, and it was erected into the "Territory Southwest of the River Ohio;" and in 1796 it was admitted into the Union as a State.

CHAPTER III

INFLUENCE UPON BENTON OF HIS EARLY LIFE IN TENNESSEE—THE TRIALS OF A COTTON PLANTER—STUDIES LAW—ANDREW JACKSON

It was among the people of this new region that Benton passed his youth and early manhood, in the midst of a democracy probably as thorough as the world had ever seen. There were of course distinctions of people, and there were leaders who were much looked up to, but hereditary claims hardly existed, and any capable and energetic man could easily have his merits recognized. Their democracy, moreover, accorded more influence by far to the poorer and plainer classes than was then usual even in America, and this characteristic was destined, before the lapse of many years, to make itself strongly felt in federal affairs and to influence vastly the history of the United States. A sturdy, strong people they were, of boundless self-reliance, entirely uncorrupted by money, and despite their hard and narrow surroundings, possessed of many of the gentler virtues, yet given to furious and uncontrollable outbursts of passion in which the animal nature of man assumed complete sway.

All these tendencies will be found exemplified in Benton, who was kindness itself at home and in the presence of women, but in whom the flash and outbreak of a fiery mind was often conspicuous. Always self-assertive and aggressive in public life, he was, both as a young man and later, completely carried away by temper at times and swept into desperate conflicts with those who stood in his way.

There was every inducement to him in his surroundings to cultivate the hardy virtues. Living on the edge of civilization, almost interminable forests stretched beyond as far as the eye could reach, and these were absolutely unclaimed and could hardly be travelled except on narrow and winding trails, which belonged to the treacherous red man of the forest quite as much as to his civilized rival. Mrs. Frémont writes that Benton and his brothers were urged by their mother to cultivate a wholesome out-of-door life, and she was often delighted as a child by his stories of their hunting experiences. The boys had gun, dogs, and a gray horse, and doubtless the subject of this book often roamed around his home in the companionship of these delightful friends, acquiring strength and at the same time unconsciously instilling into his mind that knowledge of mountains and watercourses which was later to be so useful to him in some of the great problems of his life-work.

The forest, too, must have had its influence upon his character. All writers who have seen wide regions covered with virgin forest speak of its mysterious solemnity. Absolutely terrifying to not a few natures, it produces on most a feeling akin to awe, while some find in it an approach to absolute peace on earth. But it is so vast, so silent, and so unspeakably lonely, that the utter insignificance of self is irresistibly forced upon the senses of nearly all. The forests of this southern region consisted of a much higher timber than those of much of the far North and abounded in magnificent oaks, chestnuts, hickories, beeches, walnuts, tulip-trees, and many others, so that the sun's rays had to penetrate through an enormous mass of foliage before they could even reach the rank underbrush beneath.

In these vast hidden recesses and in the open spaces to be found here and there, existed at that time a profusion of game, large and small. Buffalo were not far

away, and elk, deer, bear, and many other wild denizens of the forest must have roamed close to the Benton home. Smaller game existed in large numbers, and migrating hordes of birds swept by or stopped for rest and food in their mysterious flight from the far distant regions of the north or south in such multitudes as can be found only in a country having a very large unsettled area.

At the time when the Bentons removed to their new home, settlers had been for some years pouring into Tennessee and as far west as the Cumberland River region in great numbers. This latter district, first settled by the whites under Robertson in the year 1779, had had many a terrible experience of ruthless Indian slaughter, and its settlement was moreover vastly retarded by the refusal of the Spanish for many years to allow the colonists to navigate the Mississippi and carry their produce to a market. Still, as early as 1792 settlers had begun to throng in, and an immense rush began in 1796, when the last serious Indian uprising was crushed and when at last Spain had yielded to the inevitable and Thomas Pinckney's Treaty of 1795 had secured to the American people the full right to the navigation of the Mississippi River.

This latter point was the vital matter for the settlers "beyond the mountains," without which they had no way of disposing of their produce and could never possibly have prospered with the means of transportation then known to the world. In this same momentous year for the new settlements Tennessee was admitted into the Union as a State with a population of over 76,000.

Baily, who has already been quoted, says that Nashville contained in 1797 about sixty or eighty families, and that the houses composing it—chiefly of logs and frame—were scattered over quite an extended tract. In the neighborhood were several smaller settlements where farmers lived more or less closely together, and the Ben-

tons seem to have founded one more of these outposts of civilization. They had doubtless come to Tennessee with the intention of settling, as they did, on a part of the tract taken up by Jesse Benton, and Benton writes in his autobiography that "the family went upon a choice tract of three thousand acres at West Harpeth, twenty-five miles south of Nashville."

They were at the very verge of civilization, surrounded by a thousand difficulties of a most serious nature to be encountered by a widow and minor children. Benton writes in his autobiography in regard to these early days:

"The widow Benton's settlement was the outside settlement between civilization and the powerful southern tribes which spread to the Gulf of Mexico. The Indian wars had just been terminated, and the boundary which these great tribes were enabled to exact brought their frontier almost to the gates of Nashville—within twenty-five miles, for the line actually touched the outside line of the estate. The Indians swarmed about it. Their great war trace* (the trace on which they came for blood and plunder in time of war, for trade in time of peace) led through it. Such a position was not to be maintained by a small family alone—a widow, and every child under age, only some twenty-odd slaves. It required strength and found it in the idea of a little colony—leases to settlers without price for seven years; moderate rents afterwards. . . . Settlers came; the ground was covered over: it was called "Benton-town," and retains the name to this day. A rude log school-house, a meeting-house of the same primitive nature, with roads and mills, completed the rapid conversion of this wilderness into an abode of civilization."

The "Benton-town" of that day was a subdivision of the larger region known as West Harpeth, while now the latter name has come to be confined to a region some few miles to the east. The lapse of time, too, has seen

* Benton uses the word which was customary in his youth in the Southwest. "Trail," the word used in other portions of the country, has since come to be generally employed.

the name of Benton-town almost absolutely fade away even from local knowledge, giving place at first to Hillsboro, while this in turn is now superseded by that of Leiper's Fork.

The latter is the name of the post-office of the region and is taken from the stream on whose banks it is situated. It lies nine miles west of the town of Franklin, which again is about eighteen miles southerly from Nashville. Here was built at first a mere cabin for the family to live in, while this was replaced a little later by the partly stone and partly wooden structure, a picture of which is reproduced. This latter is a squat-looking building, owing to the fact that its first story or stone portion was dug into the ground about three feet, and is said by one conversant with the early history of the region "to bear the unmistakable stamp of our pioneer homes—something of a *fort* as well as a *dwelling*," though of a far better class than most houses of the kind in its day.

But little has reached me in regard to these early days of the Bentons in Tennessee, but in 1853, when the eldest son was an old man, he sought out in Washington a resident * of his old Tennessee region, who had come to the capital to the inauguration of Pierce, and asked many questions and told some stories, dwelling with an old man's delight on the memories of his youthful struggles and successes.

From this interview it appears that there were at first only about fifteen acres of cleared land in front of the family residence and that on this they for a time

* Dr. George B. Hunter, of Leiper's Fork, Tennessee, to whom I am very much indebted for an account of this interview and for a photograph of the Benton home. I am equally indebted to Col. Randal M. Ewing, of Franklin, Tennessee, for a great deal of aid as to Benton's early years and as to matters of local history and geography.

THE EARLY BENTON HOME IN TENNESSEE.

cultivated corn. Benton dwelt on the fact that it grew very high and thick, and that they had so much trouble in obtaining meal that they built a "horse-mill," but here again they met with many troubles from their entire ignorance of milling. Hunting for deer and other game formed a good part of their occupation, and Benton said that it was in this way that he fed the family for the first year or so.

Benton was as eager as a boy in asking whether there was any tradition still lingering of his skill with the rifle, and he then went on to speak of a fine spring in the region where he used to "win" beef. Here it was the custom to assemble on Saturday afternoons for what was locally known as a "shooting-match." A neighbor having a steer for sale would drive him over to this rendezvous and fix a price on him, when those wishing to participate in the match paid their ratable part of the assessed value, and then the sport began. The one making the best shots secured the choice of "quarters," which were five in number—the two fore and hind ones, while the fifth quarter was composed of the hide and tallow.

It is also said that stories are still told in the regions about Franklin that Benton and his brothers were pugnacious and often involved in fights with their neighbors with fist and pistol, but I doubt whether any great reliance is to be placed upon these at this distance of time. Such tendencies must in any event be regarded merely as the taints of liberty incident to a free life and common to him and his neighbors.

In a few years the Bentons began to grow cotton in their remote home with the aid of their negro slaves, and their hopes must have been high. The eldest son stated many years later in a speech * in the Senate that "the price of 15c. a pound which had been paid for it, and

* C. D., 21st Cong., 1st Sess., 1829–30, vol. vi., part 1, p. 103.

three or four hundred pounds to the acre, and so many acres to the hand, had filled us all with golden hopes." He goes on, too, with a pleasing picture of how, as a lad, one day in 1802 he drove from their plantation into Nashville to sell the summer's crop and exchange it for salt and other indispensable articles, but was confronted with the astounding news that the port of New Orleans had been closed, their crop could not be marketed, and absolutely nothing could be done with it.

This was a stunning blow, and one which set the whole West on fire, but other disappointments and sorrows were also the lot of the Bentons. One fine night Thomas and his three brothers, with the head negroes, went out to admire the ripened cotton, white and beautiful in the moonlight, and doubtless speculated on what they could get for it after gathering the crop and floating it down to New Orleans; but the very next morning showed the whole black from frost and ruined —and their labor and hopes for that season were gone to naught. This is said by Mrs. Frémont to have determined her father against planting, as "a pursuit of which he could not influence the results," while Benton himself, speaking in 1853 of his giving up farming, said that on some occasion when he had just finished ploughing a field of corn, he cast the plough into the fence corner, saying to "the boys" that there was an easier way of making a living than ploughing, and he then added that after this he never ploughed again.

Far worse trials than the loss of a crop fell to the lot of the family, and particularly to that of the mother. All of her eight children grew up apparently full of health and fine promise, but five * then died, as their

* Biographical sketch of Senator Benton in connection with Western Exploration, by Jessie Benton Frémont, in Memoirs of My Life, by John Charles Frémont.

father had before them, of rapid consumption. The "Grave of the Three Sisters" was long a known landmark near the Benton home, and we shall see later that the same fatal disease which carried them off came near to robbing America of one of her great statesmen in the person of the subject of this biography.

From a very early day Benton was a student and a great reader. When still a mere boy, he read with his mother's aid in the great folio volumes of "English State Trials," which had been in his father's library, and a deep impression was made upon his mind by their hideous stories of cruelty and oppression, of which he spoke * as follows in 1830:

"We have read and heard much of late years, of the madness and violence of the people—the tyranny and oppression of military leaders; but we have heard nothing of judicial tyranny, judicial oppression, and judicial subserviency to the will and ambition of the King or President of a country. Nothing has been said on this branch of the subject, and nothing that I have ever seen, or read of, has sunk so deep upon my mind as the history of judicial tyranny, exemplified in the submission of the judges to the will of those who made them. My very early reading led me to the contemplation of the most impressive scenes of this character which the history of any country affords—I speak of the British State Trials, which I read at seven or eight † years old, under the direction of a mother, then a very young, now an aged widow. It was her wish to form her children to a love of liberty and a hatred of tyranny, and I had wept over the fate of Raleigh, and Russell, and Sydney, and I will add, the Lady Alice Lyle, before I could realize the conception that they belonged to a different country, and a different age, from my own. I drank deep at that fountain! I drew up repeated, copious, and overflowing draughts of grief and sorrow for suffering victims

* C. D., vol. vi., part 1, 1829–30, p. 113.

† I think that this must be another instance of Benton's occasional inaccuracy as to details of little importance. He was eight years old when his father died, and he wrote in his autobiography that he was "at the age of ten or twelve reading solid books with his mother and studying the great examples of history," and then immediately refers to the State Trials and his early reading in them.

—of resentment, fear, and terror, for their cruel oppressors. Nothing which I have read in history since, not even the massacres of Marius and Sylla, nor the slaughters of the French Revolution, have sunk so deep upon my mind as the scenes which the British State Trials disclosed to me; the view of the illustrious of the land seized, upon the hint of the King, carried to the dungeon, from the dungeon to the court, from the court to the scaffold; there, the body half-hung, cut down half-alive, the belly ript open, and the bowels torn out, the limbs divided and stuck over gates, the property confiscated to the King, the blood of the family attainted, and widows and orphans turned out to scorn and want."

In the Preface to the "Thirty Years' View," while giving his reasons for writing the book, he speaks of the influence of some lessons of history upon him, and tells how profoundly, either during his early days near Nashville or still earlier, Chatham's encomium on the founders of our republic had impressed him. "It sunk deeply," he says, "into my memory at the time, and what is more, into my heart, and has remained there ever since." And again, in the autobiography, speaking of his early life on the plantation near Nashville, he writes that at no other period of life did he "read so much, nor with as much system and regularity, nor with the same profit and delight."

Already at this time his tastes seem to have taken shape, and history and geography were evidently his favorite studies and what he considered his light reading; while "national law, the civil law, the common law—and finally the law itself as usually read by students—constituted his studies. All this was carried on during the active personal exertions which he gave to the opening of the farm." It was, moreover, no doubt largely a reminiscence of his own life at about this period, when he said * years later of a deceased member of the United States Senate that they had first met more than a third

* Speech on Alexander Porter. C. G., 20th Cong., 1st Sess., pp. 221, 222.

of a century before on the banks of the Cumberland, near Nashville, and that the deceased there "belonged to a circle of young lawyers and students at law, who had the world before them and nothing but their exertions to depend upon. . . . It was the custom of all that belonged to it to spend their leisure hours in the delightful occupation of reading. History, poetry, elocution, biography, the ennobling speeches of the living and the dead were our social recreation."

Benton took up the study of the law as a serious profession in the early years of the century, but except that he seems to have been familiar with Blackstone and even many years later showed at times accurate knowledge of some of the technical distinctions of the law, I have learned nothing of his studies. He was at the same time teaching school on Duck River near his home, and of course aiding to keep up the farm.

He was not long in the Nashville region, before Andrew Jackson began to have an influence upon his career. About the time of his arrival in Nashville, he heard Jackson, then a judge of the Superior Court, charge a jury, and records how some slight solecism in language, which the judge was guilty of, grated on his ears. Only a few years later they met again, as Jackson was returning from a Southern trip in which he had passed some Indian towns and camps, and they entered into conversation. Jackson was some fifteen years the older, so he could well take an interest in the younger man and encourage him, as he did, by expressing a belief that he would do well at the bar—"generous words," Benton says, "which had the effect of promoting what they undertook to foretell." At this interview Jackson did not know the name of the young man speaking to him until he asked it, when he at once found a bond of union in the hospitality he had received at the house of Jesse Benton in North Carolina.

Not very long after this, Jackson had another opportunity to show an interest in the younger man: the latter was engaged as junior counsel in an important criminal case, in which Haywood, Grundy, and White, the oldest and ablest counsel of the section, were also concerned. Benton writes that his speech was on behalf of the side towards which Jackson's feelings inclined, and that the latter complimented him, and it is evident that a friendship sprang up between them about this time.

Benton began the practice of the law in Franklin, and "the little brick tenement which he first occupied as an office" was still in a good state of preservation in 1876 and was often pointed out to passing travellers. In a few years he moved to Nashville and opened an office there, but it does not seem that he had a very large practice at the Tennessee bar. In his autobiographical sketch he says that practice and success followed his admission as a lawyer, and that he received support and countenance from Jackson, James Robertson, Judge McNairy, Major Thomas Hardeman, "and other old heads of the population;" but in 1855 he referred to himself as having been in 1812 "a young lawyer with more books than briefs," and Foote writes that he at no time enjoyed a large practice and "from the first was much fonder of political pursuits than of the study of law-books, and greatly preferred the making of stump speeches to the argument of legal causes." He was admitted to the bar in 1806 by Judge Hugh Lawson White, and received many acts of kindness as a young lawyer from Felix Grundy.*

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* Bench and Bar of the South and Southwest, by Henry S. Foote, p. 160. Parton's Jackson, i., p. 363. View, ii., p. 186; C. G., 26th Cong., 2d Sess., p. 63. Benton's early law-office in Franklin was destroyed by fire about 1890, I am informed by Col. Randal M. Ewing, of Franklin.

Some of Benton's associates in his early days have been mentioned, but it is evident that he was especially intimate at the Jackson house, and he was a great friend of Mrs. Jackson, who was, according to him, a most delightful hostess, always taking care of the modest and retiring guest and putting every one at ease. Very fond of young people, she constantly had her house full of them, and was affectionately called "Aunt Rachel" by Benton and other intimates.

But one story of an earlier period needs to be told here, and is an instance of how much evil may be worked at times by the perpetrators of practical jokes. It will be seen later that Benton was an egotistical man, and he evidently had the same tendency as a youth. Upon some occasion—probably while he still lived in North Carolina—he and a number of his cousins were staying together somewhere and his manner irritated his associates until they determined to play a joke upon him. Accordingly, they took his cravat, while he was asleep, and hid five dollars in it: and the next morning at breakfast one of the lads put his hand in his pocket, said he had lost five dollars, and asserted that some of the party had taken his money. All protested innocence, but finally it was proposed to search every one, and the money was of course found secreted on Benton's person. His anger and mortification knew no bounds, while his tormentors enjoyed their triumph for some time, but finally explained to him the trick they had played.

This miserable joke grew to a story or a whole progeny of stories of his having been caught stealing as a young fellow, and with the immense vitality which always characterizes such rumors would never down. To the very end of his public career, quite as much as half a century after the joke was played, the charge it grew into was whispered abroad against him, was thrown at him by Foote in their contest, and was regu-

larly unearthed and brought to bear whenever his name was mentioned in connection with the Presidency.

To the same parentage is doubtless also to be traced the story that he got into some violent quarrel at the University of North Carolina, and was expelled from his literary society for theft. Years later, this story goes on, after he had become a great man, the authorities reinstated him and sent him a notice to that effect, but he, disgusted with what he thought servility on their part, simply returned it with the laconic answer "Go to h—ll."

This latter story has reached me twice in my investigations, and I have thought best to refer to it and the whole baleful progeny here. Benton himself always treated the charges with silent contempt, doubtless thinking his most exemplary life the best answer, and the only contemporary reference to it from his side that I have come across is contained in the sketch of him in the *Democratic Review* * in 1837, which simply says, "His reputation has been frequently assailed, with reference to his early youth, with slanders utterly false and base, of which he has never condescended to take the slightest notice." It remained for one who can by no means be classed as a political admirer, and who wrote some forty years after his death, to furnish the explanation in the "cravat story" which I have given above. She says † that this was told her by Rebecca Hart, one of the young cousins who was actually present at the time, and there can be no question that it furnishes the true and only explanation of the vague but so long-lived charges.

* October-December number, vol. i., pp. 83–90. This was one of a series of sketches of leading public men, and I think it likely that they were all more or less revised by the subjects of the sketches.

† The True History of the Missouri Compromise and its Repeal, by Mrs. Archibald Dixon, foot-note to p. 378.

CHAPTER IV

ENTRANCE UPON PUBLIC AFFAIRS—SERVICES IN THE STATE LEGISLATURE—AARON BURR

THERE was very great dissatisfaction throughout Tennessee early in the century with the law-system of the State, and complaints were many that suits never reached an end and that parties had to go to far-off counties to have their causes heard. It seems that there was a system of county courts, but the judges were not required to be learned in the law, and consequently appeals were always taken to the district courts.

All this became a subject of public discussion, and various grand juries took the subject up and called the system grievous. In 1808 Benton published a series of articles upon it in the *Impartial Review and Cumberland Repository* under the name of "Sir John Oldcastle," in which he denounced the existing system with much force and advocated reforms calculated in particular to bring justice near to every man's door. He ridiculed the system of equity by which witnesses were examined under written interrogatories, and were allowed to "purge themselves" by their answers. Describing the care with which a skilful lawyer would instruct his client just what to swear to and what to leave out in such an answer, Sir John Oldcastle asks, in truly Bentonian style, "Is this the way to purge a man on oath? . . . No, sir; if a man is to be purged on oath, let him be purged in the open court, in the face of the jury, under the eyes of the judges, and by the scrutinizing questions of sharp attornies. This is the way to drag truth out of his bowels in

defiance of all his twistings, twinings, and attempts to hide it."

He advocated also the abolition of equity as a separate system and wanted it blended with the law, thus early favoring a plan of administration then but little known but since widely adopted throughout the English-speaking world. He stated that the main purpose of his articles was to bring about a union of effort for the reform, and many years later said that he had had considerable trepidation upon publishing the articles, which were his first essays in print. According to the custom of the day, other writers took a share in the discussion, and various papers, by Pericles, Manlius, Junius, Brutus, and Farmer, were published in the same newspaper.

It is not impossible that these articles of Benton led to his election to the Tennessee Senate, and he served a term in the year 1809, and was the author of the act which was passed at that session remodelling the judiciary. He induced Hugh Lawson White to accept a position on the Supreme Bench under it, and he writes that he then felt his new system was safe.*

While in the Senate Benton took an active part, and was concerned in some measures which are well worthy of mention. Early in the session, he introduced a resolution for a joint committee "to inquire if any, and if any what, alteration is necessary to be made in the present mode of trying slaves, when the lives of said slaves may be affected by the decision of the charge whereof they

* It was at one time a disputed point in Tennessee whether or not Benton was the author of these articles, but the late Hon. John M. Lea wrote and asked him many years ago and told me that Benton had answered affirmatively and had told him of his trepidation. Benton also stated to Judge Lea that he had penned the new judiciary act. Thirty Years' View, ii., p. 184. Sir John Oldcastle was a friend of the Lollards, and his castle was their headquarters; he was executed in 1418.

stand implicated—and also what amendments, if any, are necessary to be made to the existing laws of this State, relative to the emancipation of slaves, and the regulation of free negroes in this State, with leave to report by bill or otherwise."

A committee, of which Benton was one, was accordingly appointed, but I have been unable to find that they ever reported or that any law upon the subject was enacted, though he wrote in his biographical sketch that he was in the Tennessee Senate the author of "a humane law, still on the statute-books, giving to slaves the full benefit of jury-trial, which was the right of white men under the same accusation." * And on another occasion he voted † for the abolition of imprisonment for debt, upon the honest surrender by the debtor of his property, thus taking an advanced position on that subject, and at the same time adding a condition to enforce absolutely fair dealing, to the spirit of which he will be found adhering many years later.

At this early day, too, his views on the proper method of dealing with the public lands had taken shape, and he advocated in the Tennessee Senate in 1809 the same rights of pre-emption for the actual settler on the land

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* My own investigations having failed to solve this difficulty, the late Hon. John M. Lea, of Nashville, kindly had a search made for a report from Benton's committee or a statute of about that date upon the subject, but without success. Is it possible that Benton's agitation of the subject produced the result he writes of without the passage of a formal law? Slaves under indictment for capital offences were at least later tried in the same way as free people. See Jacob *v.* The State, 3 Humphreys's Reports, 493, and Section 2632 of Meigs and Cooper's Code of Tennessee, 1858, which provided that "the trial of a slave for a capital offence shall be conducted in the same manner as that of a free person."

† C. G., 27th Cong., 2d Sess., appendix, p. 89. My other statements in regard to his service in the Tennessee Legislature are derived from the Journals of the Senate.

which he so persistently urged later on a wider forum and at last lived to see triumph, after his efforts had for years been thrust aside with ridicule as mere visionary dreams.

The actual settler on public land, who had made improvements, demanded that there should be accorded to him the first right to purchase at the fixed price—the right of pre-emption—in preference to any other would-be purchaser, maybe a calculating "speculator," as the language of the day dubbed him, who was led to seek out this particular tract, so as to get the advantage of the improvements already made; while others maintained that the settler's possession of the land without title gave him no preference and that any one had an equal right to buy the special tract.

Benton had been in some way early impressed with the importance of allowing actual settlers to secure land on easy terms, and doubtless the system adopted on their family tract of giving leases for almost nominal rents—so as to secure the coming of pioneers and the cultivation in safety of their frontier farm—had had an important influence in forming his opinion. He also often cited a case in point of a poor woman near Nashville, known as "Granny White," who had come from Western North Carolina at the age of sixty, with two young grandchildren as her only helpmates, and was allowed in her new home to occupy a small tract of land at a nominal price. With this small corner of mother earth to work on, she saved so by her labor and economy that she came in time to own slaves and cattle and more land, and was a highly respected member of the community, while she had barely been able to keep out of the poor-house in her home in North Carolina.

Benton cited her instance on more than one occasion in the United States Senate as "a noble illustration of the advantage of giving land to the poor," and certainly

the illustration was most apt. She was evidently much thought of in Tennessee, and to this day a road leading from Nashville by her place towards Franklin is known as "the Granny White road."

Pre-emption and other questions concerning land were constantly under discussion then, and during Benton's service in the Legislature settlers on the Nolichucky, French Broad, and other rivers came, he said in the Senate in 1851,* "to Knoxville to save their homes. They approached me with diffidence, for I was a young lawyer, and they were afraid of lawyers, and they did not know that I had a feeling for the settler who lived up at the head of the creek and in the gorge of the mountain, and who was endeavoring, amidst danger and privation, to get a home of his own, and which speculators attempted to take from him. I took their part then, and assisted in the establishment of the first pre-emption law ever known in Tennessee."

But, though he was thus active in securing their rights for those whom he thought entitled, he did not hesitate to oppose the claims of settlers on lands, where he thought they were in the wrong. In at least two instances he opposed such bills with but one or two other members siding with him.

In one of these, some settlers on Battle Creek, where the Indian title had not been extinguished, prayed that they might be given "the right of preference [*i.e.*, pre-emption], whenever the State may be possessed of the soil by treaty:" and Benton and Robert C. Foster voted against the reference of the petition. They filed a paper expressing their reasons, which were that the Legislature had no right to pass a law granting occupancies where the Indian title was not extinguished: that the settlers had violated the United States laws, which inflict a

* C. G., 31st Cong., 2d Sess., 1850–51, p. 360.

penalty upon all intruders on Indian lands: and that "it would be encouraging a set of deluded people to incur the guilt of rebellion for this Legislature to authorize them to maintain their possessions," in view of the fact that it was well understood the military power of the United States had been directed to expel by force all intruders on Indian lands.

They were two bold men who thus stood up at that day and opposed *in limine* a measure intended to give the land to settlers, and the public was not likely to accord much weight either to the right of the Indian or to the laws of Congress passed by an authority far off beyond the mountains. It is characteristic of Benton to find him thus in early life voting against the popular tide without regard to consequences to himself, precisely as he did in numbers of cases throughout his career and finally to the complete loss of his political power and position. And it is instructive, too, to see how at this early day he was impressed with the need of obedience to laws enacted by the Federal Government, even though they were most unpopular. He undoubtedly "thought continentally"—to use the phrase of his time and section—from an early date.

He was not again in the State Senate, but I have found nothing directly to show why this was the case. He served sixty-seven days, was entitled to mileage for four hundred miles, and received a total sum from the State of two hundred and seven dollars and fifty cents for his services.

One other episode of these early years of the century was no doubt vastly interesting to Benton at the time, though almost no details of his connection with it have survived. The project of Aaron Burr will always be somewhat obscure, but there can be no doubt that he tried to enlist in his behalf the aid of Jackson and his friends, and all went well enough with this aim so long as the real nature of the project was kept concealed.

But the moment suspicions came to be bruited about that there was some design of hostility to the United States, Jackson withdrew from the connection with that positiveness which marked his career in everything.

Burr was in Nashville and stayed with Jackson several days in the end of May and again early in August of 1806, and he was received with every mark of distinction. Some of our historians try to slur Jackson for this fact, but such a reception was only Burr's due for his distinguished career. Vice-Presidents of the United States were not at that time to be found daily in the small town of Nashville, and Parton says, with truth, that the fact that he had killed Hamilton in a duel was no discredit to him, but possibly a mark of distinction, among the people of Tennessee, who were duellists themselves and who had generally detested Hamilton.

Besides this, Burr had earned the gratitude of Tennesseeans by the aid he gave them at the time they were asking admission into the Union, and he was moreover an earnest hater of the Spaniard and eager for the war with that power which was so often threatening. This alone would have formed a bond of union with a citizen of Tennessee at any time about that date. No wonder then that he was royally entertained and given receptions and public dinners, while all the town turned out to see him.

In the next year again, in September, he was a guest of Jackson and was publicly fêted, but his course with the people of Nashville was by that time about run, and he met with a very chilly reception from Mrs. Jackson, when he called upon the General once more on December 14, at a time when the latter chanced to be away. A few days after this Jackson had an interview with him, at which Burr maintained stoutly the entire propriety of his plans and doubtless stuck to it that his object was merely to settle a certain tract of land. But Jackson had

been warned by some anonymous person on November 10, and his suspicions were not to be allayed.

Towards the latter part of December the proclamation of the President denouncing Burr reached Nashville, and the whole town was at once in a ferment of loyalty. Burr was burned in effigy and denounced as a traitor, and in a few days Jackson and other officers were getting the militia in readiness at the request of the federal authorities. Robertson—the sixty-five-years old founder of the settlement—and a number of Revolutionary veterans at once volunteered their services, and were known as the "Invincible Grays" or "Silver Grays." *

In all these events there can be little doubt that Benton took an active part. It has been seen that he was an intimate at the Jackson house, and he can hardly have let such exciting occurrences go on without having his full share in them. The only actual connection I can find of his with it all, however, is recorded in *The Nashville Impartial Review* of January 3, 1807, which reports the hanging in effigy of Burr at Nashville and gives the resolutions of a public meeting held at Franklin on December 27, 1806, at which William Neelly was chairman and Thomas H. Benton secretary.

These resolutions breathe great devotion to the Union and say that they "would view a separation from the Federal Head as productive of incalculable evils," and add that in their opinion "there ought to be an annual interchange of the laws of the State Legislatures, as a means to assimilate the habits of the people, to bring them to a nearer state of brotherhood, as well as to afford help to the younger States." The studied avoidance in the resolutions of any admission of the existence of a plot dangerous to the Union, when com-

* See Parton's Jackson, i., pp. 309–28, from which source my account of the Burr episode is mainly taken.

pared with some remarks of Benton in the Senate in 1848,* is possibly evidence that he was their author, and those curious as to the feeling of the West towards Burr and any project of disunion will find in that speech what treatment Benton thought would have been accorded Burr when his views were known.

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* C. G., 30th Cong., 1st Sess., vol. xviii., p. 1076.

CHAPTER V

FAILURE IN HEALTH—GROWTH OF POLITICAL VIEWS—ANDREW JACKSON—WAR OF 1812—THE NATCHEZ EXPEDITION

At some time in early manhood, apparently not long before the outbreak of the War of 1812, Benton's health failed him. It has been already said that five of his brothers and sisters died of consumption, and the same dread disease threatened the life of him we are all accustomed to think of as possessed of a superb physique and of fine health. But for a period he seemed to be going into a decline, and constant fever, a hacking cough, and restless days and nights made him feel that his time was coming. Mrs. Frémont tells us that he felt despair at this, and once said: "If it had been a battle, I would have had a chance, or even in a desperate duel, but for this there was no chance. All was fixed and inevitable." He is said to have hailed the outbreak of the war as an opportunity to end his life in action rather than in the slow progress of a fatal disease, but the open-air life cured him. His daughter writes that during his campaigning he supplied the lack of plenty of clothes by constant bathing in running streams and always dried his skin in the sunshine, and all his after-life he persistently sought these same curative influences; but it is strange to read of a man of such physique that throughout his career he was in the habit of preparing for public speaking by days of silence and that the continued use of his voice in public was almost sure to be followed by flecks of blood from the throat.

I have found but little as to his opinions of public

affairs during the period preceding the War of 1812, when Presidents Jefferson and Madison were engaged in what has been called the Struggle for Neutrality, but it may probably be assumed that he held in the main the views of the section in which he lived. The people of the Southwest were Republicans and had nothing in common with the aristocratic tendencies of the Federalists. By the very necessities of their position and surroundings, their civilization was highly democratic and they early imbibed the bulk of the Jeffersonian beliefs, and with the Jeffersonian party sympathized with France in the desperate wars following upon her Revolution.

It cannot be doubted that these wars began—whatever was the case later—in the efforts of the allied powers to crush the rising people of France and force upon them again the rule of absolutism, and republican America sympathized most deeply with her sister republic and indulged in hopes for the human race which were destined to sad disappointment.

There was a promise for humanity at that date in the growth of popular rights, such as the world had not known before, and the imaginations of many were carried away. Too little has been written of these exuberant hopes of the end of the eighteenth and beginning of the nineteenth century, but Benton showed that he had felt their influence, when he said * of himself that, "bred up in habitual affection for the French name, coming upon the stage of life when the glories of the republic and of the empire were filling the world and dazzling the imagination, politically connected with the party which, a few years ago, was called French, his bosom had glowed with admiration for that people."

The two great parties in our country could indeed for a number of years be distinguished from each other by

* View, i., p. 593.

their sympathy with France or with England: and it was only natural that, as both the great European combatants inflicted outrage after outrage upon us, Americans differed as to which one we should chiefly oppose. The Republicans maintained their kindly feeling for France, and, as the most glaring wrongs were perpetrated by the vast sea-power of England, they became convinced in time of the expediency of declaring war against the latter. The Southwest was possibly even more strongly in favor of this course than the rest of the country and was soon full of what the English sympathizers in the East called "War-hawks." To this class there can be little doubt that Benton belonged.

He has himself given a slight view of some events of that time in which he was concerned. Jackson was a major-general of militia in Tennessee and Benton his aide-de-camp: and it seems that in the winter of 1812, some months before war was declared, Benton and other friends of the future victor at New Orleans had in view his appointment to important command in the event of the outbreak of hostilities. Benton's account of the matter is involved in some confusion as to dates,* but there can be no doubt of its general accuracy. He said in a speech in the House of Representatives in 1855, upon the presentation of Jackson's sword to Congress:

"I was young then, and one of his aids, and believed in his military talents and patriotism, greatly attached to him, and was grieved and vexed to see him passed by when so much incompetence was preferred. Besides, I was to go with him, and his appointment would be partly my own. I was vexed, as were all his friends, but I did not despair as most of them did. I turned from the government to ourselves—to our own resources, and looked for the chapter of accidents to turn up a chance for incidental em-

* See Parton's Jackson, i., p. 364. My account of all these matters is taken from ibid., pp. 361–86. See also View, i., p. 738. Benton's speech is to be found in C. G., 33d Cong., 2d Sess., pp. 947–48.

ployment, confident that he could do the rest for himself, if he could only get a start. I was in this mood in my office, a young lawyer with more books than briefs, when the tardy mail of that time, one 'raw and gusty day' in February, 1812, brought an act of Congress authorizing the President to accept organized bodies of volunteers to the extent of fifty thousand—to serve for one year, and to be called into service when some emergency should require it.

"Here was a chance. I knew that Jackson could raise a general's command, and trusted to events for him to be called out, and felt that one year was more than enough for him to prove himself. I drew up a plan, rode thirty miles to his house that same raw day in February—rain, hail, sleet, wind—and such roads as we then had there in winter—deep in rich mud and mixed with ice. I arrived at the Hermitage—a name then but little known—at nightfall, and found him solitary, and almost alone, but not quite, for it was the evening mentioned in the 'Thirty Years' View,' when I found him with the lamb and the child between his knees. I laid the plan before him. He was struck with it, adopted it, acted upon it. We began to raise volunteer companies.

"While this was going on, an order arrived from the War Department to the governor (Willie Blount) to detach fifteen hundred militia to the Lower Mississippi, the object to meet the British, then expected to make an attempt on New Orleans. The governor was a friend to Jackson and to his country. He agreed to accept his three thousand volunteers instead of the fifteen hundred drafted militia. He issued an address to his division. I galloped to the muster-grounds and harangued the young men. The success was ample. Three regiments were completed—Coffee, William Hall, Benton, the colonels."

It was owing to the existence of this command of troops that Jackson was able, a very few days after the news of the declaration of war reached Nashville, to offer to the President on June 25 the services of twenty-five hundred volunteers. The authorities at Washington were naturally much pleased at the promptitude with which this tender reached them and accepted it with alacrity, but some months elapsed before the young volunteers took the field. After Hull's failure in Canada, however, fears for New Orleans seem to have been enter-

tained, and on October 21 the governor of Tennessee was requested to send fifteen hundred troops to the aid of General Wilkinson, who was in command at that city, and by November Jackson was actively making ready to have his troops fill this requisition. On November 14 the General issued the following address to his troops, which Benton says he had suggested to Jackson and had himself written almost entirely:

"In publishing the letter of Governor Blount, the Major-General makes known to the valiant volunteers who have tendered their services everything which is necessary for them at this time to know. In requesting the officers of the respective companies to meet in Nashville, on the 21st inst., the governor expects to have the benefit of their advice in recommending the field-officers, who are to be selected from among the officers who have already volunteered; also to fix upon the time when the expedition shall move, to deliver the definite instructions, and to commission the officers in the name of the President of the United States. Companies which do not contain sixty-six rank and file are required to complete their complement to that number. A second lieutenant should be added where the company contains but one.

"The Major-General has now arrived at a crisis when he can address the volunteers with the feelings of a soldier. The State to which he belongs is now to act a part in the honorable contest of securing the rights and liberties of a great and rising republic. In placing before the volunteers the illustrious actions of their fathers in the war of the Revolution, he presumes to hope that they will not prove themselves a degenerate race, nor suffer it to be said that they are unworthy of the blessing which the blood of so many thousand heroes has purchased for them. The theater on which they are required to act is interesting to them in every point of view. Every man of the Western country turns his eyes intuitively upon the mouth of the Mississippi. He there beholds the only outlet by which his produce can reach the markets of foreign nations or of the Atlantic States. Blocked up, all the fruits of his industry rot upon his hands; open, and he carries on a commerce with all the nations of the earth. To the people of the Western country is then peculiarly committed, by nature herself, the defense of the lower Mississippi and the city of New Orleans. At the approach of an enemy in that quarter the whole Western world should pour forth its sons to meet the invader and drive him back into the sea.

Brave volunteers! it is to the defense of this place, so interesting to you, that you are now ordered to repair. Let us show ourselves conscious of the honor and importance of the charge which has been committed to us. By the alacrity with which we obey the orders of the President let us demonstrate to our brothers in all parts of the Union that the people of Tennessee are worthy of being called to the defense of the republic."

The men were ordered to rendezvous at Nashville on December 10, and were to arm themselves with their own rifles and many other equipments, for which, they were told, compensation might confidently be expected to be made by the government.

As to their uniform, Jackson informed them as follows: "Dark blue or brown has been prescribed for service, of homespun or not, at the election of the wearer; hunting-shirts or coats, at the option of the different companies, with pantaloons and dark-colored socks. White pantaloons, vests, etc., may be worn upon parade. As the expedition will not terminate under five or six months, and will include the winter and spring, the volunteers will see the propriety of adapting their clothing in quantity and quality to both seasons. The field officers will wear the uniform which is prescribed for officers of the same grade in the army of the United States. Company officers will conform to the same regulations, if convenient; otherwise, they will conform to the uniform of their companies."

The day appointed for the troops to assemble was unusually cold and there was deep snow on the ground, but none the less two thousand of the men arrived on time and camped out as best they could. The command consisted of one regiment of cavalry under Colonel Coffee, and numbering six hundred and fifty men, and of two regiments of infantry, containing fourteen hundred men in all and commanded by Colonels Hall and Benton. In the latter's regiment Sam Houston was a corporal.

They got off from Nashville on January 7, the infantry going aboard boats which were to float down the Cumberland to the Ohio, then down it to the Mississippi, and so to New Orleans. On the eve of parting Jackson wrote to the Secretary of War: "I have the pleasure to inform you that I am now at the head of 2070 volunteers, the choicest of our citizens, who go at the call of their country to execute the will of the government, who have no constitutional scruples; and if the government orders, will rejoice at the opportunity of placing the American eagle on the ramparts of Mobile, Pensacola, and Fort St. Augustine, effectually banishing from the Southern coasts all British influence."

It may be assumed that this plan did not greatly exceed the hopes of the small army as to the service ahead of them, nor can it be doubted that a moderate degree of training would soon have made of them a terrible engine of war. Composed of planters' sons, business men, and in general a very high class for the rank and file of an army, there was absolutely none of the dregs of a large city, and every unit had been trained from infancy to a self-reliant life in the open air and felt that he was a citizen of equal rights in a republic of vast promise.

The movements of the little army were so much quicker than those of the officials that New Orleans was by no means ready to receive them, and they had to be stopped at Natchez. Here they went into camp, apparently about the middle of February, and Jackson's amazement can be imagined when one Sunday near the end of March, an express from the Secretary of War at Washington reached the camp, carrying an order dated February 6, which ordered the disbandment of the command.

The reason given was that the causes requiring the army had ceased to exist, and the order was a dismissal

at once and there. They were five hundred miles from home, had no means to get back, and Jackson at once determined to disobey orders and hold his command together until he could get the men safely home. He sent for Benton, showed him the order, told him what he meant to do, and then himself assumed the financial risk of bringing his small army home again. Jackson wrote a very severe letter to the Secretary of War, which Benton vainly tried to get him to soften, and then all energies were bent to the task of securing the necessary supplies. The merchants of Natchez aided greatly by offering such stores as they had and agreeing to accept payment later, wagons were impressed to carry baggage and the sick, and at length, on May 22, the last of the army was disbanded at Nashville.

The Secretary of War explained later that he thought his order would certainly reach Jackson before he was far from home, but the consequences of the blunder would have been most serious had not Jackson assumed the responsibility he did assume. He was of course unable to meet the notes he had given for supplies, as they fell due, and they all went to protest. Suit was, however, delayed, until an application for relief could be made at Washington, and of this application Benton, who was going to Washington on a matter of his own, gladly took charge. He applied to the members of Congress from Tennessee and to the Secretary of War, but for a long time could accomplish nothing. Years afterwards he told as follows * the story of his experiences and final success in this matter:

"Weeks had passed away, and the time for delay was expiring at Nashville. Ruin seemed to be hovering over the head of Jackson, and I felt the necessity of some decisive movement. I was young then and had some material in me—perhaps some boldness;

* Speech on presentation of Jackson's sword, *ante*.

and the occasion brought it out. I resolved to take a step, characterized in the letter which I wrote to the General as *'an appeal from the justice to the fears of the administration.'* I remember the words, though I have never seen the letter since. I drew up a memoir, addressed to the Secretary of War, representing to him that these volunteers were drawn from the bosoms of almost every substantial family in Tennessee—that the whole State stood by Jackson in bringing them home—and that the State would be lost to the administration if he was left to suffer. It was upon this last argument that I relied—all those founded in justice having failed.

"It was of a Saturday morning, 12th of June, that I carried this memoir to the War Office, and delivered it. Monday morning I came back early to learn the result of my argument. The Secretary was not yet in. I spoke to the chief clerk (who was afterwards Adjutant General Parker), and inquired if the Secretary had left any answer for me before he left the office on Saturday. He said no; but that he had put the memoir in his side pocket—the breast-pocket—and carried it home with him, saying he would take it for his Sunday's consideration. That encouraged me—gave a gleam of hope and a feeling of satisfaction. I thought it a good subject for his Sunday's meditation. Presently he arrived. I stepped in before anybody to his office.

"He told me quickly and kindly that there was much reason in what I had said, but that there was no way for him to do it; that Congress would have to give the relief. I answered him that I thought there was a way for him to do it; it was to give an order to General Wilkinson, quartermaster-general in the Southern department, to pay for so much transportation as General Jackson's command would have been entitled to if it had returned under regular orders. Upon the instant he took up a pen, wrote down the very words I had spoken, directed a clerk to put them into form; and the work was done. The order went off immediately, and Jackson was relieved from imminent impending ruin, and Tennessee remained firm to the administration."

CHAPTER VI

QUARREL WITH JACKSON—DEEPLY IMPRESSED WITH THE MISSISSIPPI AND THE WEST—REMOVAL TO ST. LOUIS

WHILE Benton was thus far away in Washington looking after a matter of vital interest to Jackson, a storm was brewing at Nashville in which the former had no original part but in which he soon became concerned, with the result that he was upon his return home involved in a desperate encounter with Jackson which absolutely broke up the friendship subsisting for some years between them.

This grew out of a duel between one William Carroll and Benton's brother, Jesse, in which Jackson acted as second for Carroll. The latter was not a Tennesseean but had come from Pittsburg, and, having some knowledge of military affairs, had been advanced rapidly by Jackson during the expedition to Natchez. Carroll's view was that this advancement made others jealous of him and led them to endeavor to pick a quarrel with him. Parton says * that he had declined two challenges, on the ground that the challengers were not gentlemen; but finally his enemies succeeded in embroiling him with Jesse Benton, whose social standing was such that it was not possible to decline. Carroll then found trouble in securing a suitable second and asked Jackson to act. The latter objected at first that he was too old, though "the time had been when he should have gone out with pleasure":

* Parton's Jackson, i., p. 387, et seq. My account of the whole matter is largely taken from Parton.

but Carroll told him it was no ordinary case and that there was a conspiracy to "run him out of the country," and the mere suggestion that an effort was making to hound down a friend of his so fired Jackson's impulsive nature that he then accepted at once.

He accordingly made inquiry into the matter, first with a view to stopping the duel, and thought at one time he had prevailed upon the challenger to see that none was necessary: but the latter finally insisted, and a meeting was held, at which Jackson acted as the second of Carroll. Jesse Benton must have been a bad shot, for Jackson assured Carroll that his opponent could not hit him, if he were "as broad as a barn-door." When the word to fire was given, Benton fired first and slightly wounded his opponent in the thumb. Then he is said to have stooped or crouched to receive the fire of Carroll, thus bringing into prominence a part of the body which is not supposed to be wounded in duels, and Carroll's bullet inflicted a long and raking wound on this exposed portion.

So the duel in this matter ended, but the rather ludicrous nature of Jesse Benton's wound became a subject of joke in Tennessee, and was, it may be suspected from the sequel, commented on by Jackson. Owing to this or some like cause, the original duel soon turned out to be but a prelude to the much more serious affray which grew out of it.

Thomas Benton was at the time in Washington and had succeeded in accomplishing the relief of Jackson, as already narrated, when he heard of the duel, and was astonished and outraged to hear that Jackson had gone to the field, not as Jesse's friend, but as the second of the other side. Wild letters are said to have reached Thomas from Jesse, who was as hot-tempered and irascible as his brother without his ballast, and in these Jackson's conduct was put in a very bad light. Others seem to have

carried like tales to Thomas, who then soon wrote a letter to Jackson, denouncing his conduct in offensive terms. Jackson replied that, before so addressing him, Benton should have inquired of him as to the truth of the matter; but the latter grew more and more furious and charged that Jackson had conducted the duel in a "savage, unequal, unfair and base manner."

As Benton returned on his long journey to Nashville, he is said to have inveighed bitterly and loudly in public places against Jackson, using, Parton says, "language such as angry men *did* use in the Western country" at that date, and all this of course reached Jackson's ears from one source or another. Benton had no doubt cause to be angry that his friend had taken part in a duel against his brother, particularly while he was himself away engaged in a difficult act of kindness for that same friend, and he evidently thought that the duel had been conducted on Jackson's part in some improper way, the details of which I have not ascertained.

But in addition to this the relations between the two had already suffered a strain, and probably they were both to some extent ripe for a quarrel. During the Natchez expedition a question of rank had been discussed, whether or not Jackson, a major-general of militia, was the superior of Wilkinson, who then commanded at New Orleans and who was a brigadier-general in the regular army and a major-general by brevet. This question did not arise by any actual clash of authority between the two ambitious leaders, but it might undoubtedly have done so at any time; and during the discussions Benton gave his opinion—apparently in some formal way—that Wilkinson was the superior officer.

This must have been a serious offence in the eyes of Jackson, whose nature it was to expect his friends always to support him and to take the same view in important matters relating to himself as he did. To this

difference of opinion Benton thought that much of Jackson's ire against him owed its origin.

The quarrel was evidently brewing for a long time before it finally broke out, and Jackson swore publicly in his favorite oath—"by the Eternal"—that he would horsewhip Tom Benton the first time he met him. All Nashville must have known of this sacred promise, and no doubt Benton was informed of it before his arrival. He seems not to have sought the contest, though quite ready for it, and upon arriving at Nashville, on the morning of September 4, went with his brother Jesse to the City Hotel, instead of the Nashville Inn, to which he was in the habit of going with Jackson's friends.

The evening of the day before Jackson had ridden into Nashville from the Hermitage, doubtless with the design of carrying out his intentions upon the person of Benton, and had gone with his friend General Coffee to his accustomed lodging-place, the Nashville Inn. On the morning of the 4th, he and Coffee walked over to the post-office, Jackson carrying a riding-whip, and wearing also a small sword, as was then much the custom in Tennessee. They went diagonally across an open lot, thus passing behind the City Hotel, where, according to Parton, they saw Benton standing in the doorway drawn up to his full height and looking daggers at them. After they got their letters, they proceeded to return, but this time went by the street and would thus pass directly in front of the hotel where they had just seen Benton. As they came up to where the latter was standing, Parton's story is that Jackson suddenly turned upon him and said, "Now, you d—d rascal, I am going to punish you. Defend yourself."

Then began a mêlée in which some six or eight people were engaged, without considering those who finally separated the combatants, and it is naturally impossible to ascertain the details of the matter. Parton gives an

account which he received from some one who had heard Coffee tell the story of the fracas, while the account of Benton published a few days after the encounter differs in some particulars from that of Coffee. But these differences do not seem to me material.

The main facts are that Jackson was the first to draw a pistol and that Benton was stepping backward before the point of this weapon, when Jesse Benton fired at Jackson, and about the same time Thomas Benton and Jackson fired at each other and Jackson fell badly wounded and entirely *hors du combat.* It was apparently Jesse's shot that wounded Jackson. Then Coffee rushed in and shot at Thomas Benton, but the pistol missing fire or he missing his aim, he clubbed his pistol and was advancing on Benton, when the latter (according to Coffee) retreating slowly fell backward down a stairway in the hotel, of the existence of which he had not known. Jesse Benton was also attacked, and was wounded by one or more of the Jackson party. But, whatever the details may have been, the result was undoubtedly a triumph for the Bentons. Jackson had to be carried away, severely wounded, and the scene of the encounter was left in possession of the Bentons.

And they used their triumph in true borderland style. Remaining upon the field of battle, they not only denounced Jackson as a defeated assassin and loudly defied him to come out and renew the strife, but Colonel Benton in a conspicuous way in the public square broke Jackson's small sword, which had been dropped in the struggle, and thundered out in the loudest tones defiant and contemptuous words as to his opponent.

A few days after the encounter, Benton had printed the following account * of the event, which he probably sent to his friends:

* One of the originals of this circular letter, addressed to Gen. John Sevier in Knoxville, is preserved in the Tennessee Historical

"FRANKLIN, TENNESSEE, September 10, 1813.

"A difference which had been for some months brewing between General Jackson and myself produced, on Saturday, the 4th instant, in the town of Nashville, the most outrageous affray ever witnessed in a civilized country. In communicating the affair to my friends and fellow-citizens, I limit myself to the statement of a few leading facts, the truth of which I am ready to establish by judicial proofs.

"1. That myself and my brother, Jesse Benton, arriving in Nashville on the morning of the affray, and knowing of General Jackson's threats, went and took lodgings in a different house from the one in which he staid, on purpose to avoid him.

"2. That the General and some of his friends came to the house where we had put up, and commenced the attack by levelling a pistol at me, when I had no weapon drawn, and advancing upon me at a quick pace, without giving me time to draw one.

"3. That seeing this, my brother fired upon General Jackson, when he had got within eight or ten feet of me.

"4. That four other pistols were fired in quick succession; one by General Jackson at me; two by me at the General; and one by Colonel Coffee at me. In the course of this firing, General Jackson was brought to the ground, but I received no hurt.

"5. That daggers were then drawn. Colonel Coffee and Mr. Alexander Donaldson made at me, and gave me five slight wounds. Captain Hammond and Mr. Stokely Hays engaged my brother, who, still suffering from a severe wound he had lately received in a duel, was not able to resist two men. They got him down; and while Captain Hammond beat him on the head to make him lie still, Mr. Hays attempted to stab him, and wounded him in both arms as he lay on his back, parrying the thrusts with his naked hands. From this situation a generous-hearted citizen of Nashville, Mr. Sumner, relieved him. Before he came to the ground, my brother clapped a pistol to the breast of Mr. Hays, to blow him through, but it missed fire.

"6. My own and my brother's pistols carried two balls each; for it was our intention, if driven to arms, to have no child's play. The pistols fired at me were so near that the blaze of the muzzle

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Society, and the letter has often been printed. See, *e.g.*, Billon's Annals of St. Louis, 1804–21, pp. 409–11. By some typographical error, Parton (Life of Jackson, i., pp. 397–98) prints it without the "I" near the end of clause 4, thus making Benton guilty of a strange assertion. The "I" is in the original.

of one of them burnt the sleeve of my coat, and the other aimed at my head at a little more than arm's length from it.

"7. Captain Carroll was to have taken part in the affray, but was absent by the permission of General Jackson, as he had proved by the General's certificate, a certificate which reflects I know not whether less honor upon the General or upon the Captain.

"8. That this attack was made upon me in the house where the judge of the district, Mr. Searcy, had his lodgings! Nor has the civil authority yet taken cognizance of this horrible outrage.

"These facts are sufficient to fix the public opinion. For my own part, I think it scandalous that such things should take place at any time; but particularly so at the present moment, when the public service requires the aid of all its citizens. As for the name of *courage,* God forbid that I should ever attempt to gain it by becoming a bully. Those who know me, know full well that I would give a thousand times more for the reputation of Croghan * in defending his post, than I would for the reputation of all the duelists and gladiators that ever appeared upon the face of the earth.

"THOMAS HART BENTON,
"Lieut-Col. 39th Infantry."

It is evident that, immediately after the encounter, Benton found a veritable hornet's nest about his ears at Nashville. Jackson was both powerful and popular in Tennessee, and his friends made it hot for the Bentons. Thomas wrote from that place a few days afterwards:

"I am literally in hell here, the meanest wretches under heaven to contend with—liars, affidavit-makers, and shameless cowards. All the puppies of Jackson are at work on me, but they will be astonished at what will happen; for it is not them, but their master, whom I will hold accountable. The scalping-knife of Tecumpsy is mercy compared with the affidavits of these villains. I am in the middle of hell, and see no alternative but to kill or be killed; for I will not crouch to Jackson; and the fact that I and my

* Early in August, 1813, Major George Croghan, a young officer of twenty-two years of age, had made a memorable defence of Fort Stephenson on the Sandusky River. He had but one gun and one hundred and sixty men under him, but successfully resisted the assaults made for two days by General Proctor with five hundred regulars and seven hundred Indians.

brother defeated him and his tribe, and broke his small sword in the public square, will for ever rankle in his bosom, and make him thirst after vengeance. My life is in danger; nothing but a decisive duel can save me, or even give me a chance for my own existence; for it is a settled plan to turn out puppy after puppy to bully me, and when I have got into a scrape, to have me killed somehow in the scuffle, and afterwards the affidavit-makers will prove it was honorably done. I shall never be forgiven having given my opinion in favor of Wilkinson's authority last winter; and this is the root of the hell that is now turned loose against me."

It has been said that Benton's visit to Washington, after the return of the Natchez expedition in the spring of 1813, had been primarily on a matter of his own. His purpose was to apply for a commission in the army, and he was appointed by Madison lieutenant-colonel in the Thirty-ninth Infantry on the 18th of June, 1813. He said, many years later, that this was the only position he ever in all his long career asked a President to confer on himself or any relative. But it seems that he saw no active military service after this date, and indeed for at least two years after his appointment to the army almost nothing of him is known. He is often said to have served for a time on the Canada frontier, but he himself writes in his autobiographical sketch that, when he was in 1814–15 "proceeding to Canada, where he had obtained service, he met the news of peace; and desiring no service in time of peace, he was within a few months on the west bank of the Mississippi, St. Louis his home." He was honorably discharged from the army on June 15, 1815.

There can be no question that the quarrel with Jackson was a most serious event for him. Jackson was a leading man in Tennessee before the war, and the victory at New Orleans raised his popularity and power to such mountain-height that there could hardly have been any possibility for Benton to succeed in Tennessee. No doubt

this was a strong influence leading to his removal, and some of his opponents assert broadly that he was driven out of Nashville.

But there was another motive. Mrs. Frémont writes that, during the expedition to Natchez, he had been most deeply impressed by the imperial Mississippi, and that there had been forced upon his mind—theretofore, she thinks, not yet opened to any comprehension of the future of the far West—the realization that the waters of that great river drained the region which was destined before the lapse of many years to control the United States. Probably some profound impression was made upon him about that time, as he gazed upon the immense and silent sweep of its waters, and all his life through he would ordinarily refer to it under such names as "the King of Floods" or "the Father of Waters."

We do not to-day look upon a great navigable river in the same way that our grandfathers did; on the contrary, we view it with the eyes of criticism, and are quite set against it for such a small vice as being muddy; while to our grandfathers even the most turbid stream was a dear friend to which they were ever deeply beholden as the only known way to transport the bulk of their food and all their heavy traffic. Naturally, therefore, the sweeping current of the Mississippi aroused in the mind of Benton thoughts of the vast commerce which would some day be borne on its surface, and from these thoughts it is not difficult to understand how he reached the conclusion to cast his lot with the people of that region. It is very possible, too, that he had already some knowledge of St. Louis and its prosperity derived from travellers during the expedition to Natchez.

The date of his removal to his new home is variously given by different writers as 1815, 1816, and 1817, but it seems clear from a letter of his in 1819 as well as from his autobiography that he first went there some time

in 1815. In the winter of 1817 he returned to Nashville and removed his mother to St. Louis, and here we may possibly find the explanation of the contradictory statements as to the date of his removal.*

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* Billon's Annals of St. Louis, 1804–21, p. 162. John F. Darby's Personal Recollections, p. 180. Mrs. Frémont's Sketch. Letter to Governor Preston, dated November 14, 1819, and quoted near the end of the next chapter, in which he writes of being comfortably established "in four years." Letter to same, dated May 17, 1817, and also quoted near the end of the next chapter. In his address in the Senate in the Benton Statue Proceedings Senator Vest says that Benton first settled in Missouri at the old French village of St. Genevieve, some thirty-five miles below St. Louis, on the Mississippi River, and he adds that he himself had seen there "the law office, built of cypress logs, in which he [Benton] practised his profession and from which you could look out across the broad expanse of the Father of Waters. He remained in St. Genevieve only a few years." I know of no other evidence to this effect, and Benton's own statement in his autobiography quoted shortly above seems hardly consistent with it.

CHAPTER VII

EARLY ST. LOUIS—EDITS THE ST. LOUIS ENQUIRER—OREGON AND THE FAR WEST—THE ROAD TO INDIA—THE ENGLISH CONVENTION OF 1818—THE FLORIDA TREATY—LETTERS

THE settlement of St. Louis was begun in 1764 under the French, and was one of those movements of mixed adventure and money-seeking which have had so large a part in the conquest of wild lands. In 1762 M. d'Abadie, the Director-General and Commandant of Louisiana, granted to a company, in which Pierre Laclede (or Pierre Laclede Liguest, as his real name was) was a leading character, the exclusive right to trade with the savages of the Missouri and all nations west of the Mississippi for eight years.

Laclede and his friends gathered together the necessary goods and started north from New Orleans in August, 1763. They stored their goods later, and then Laclede set off to go farther up the river with a young man named Auguste Chouteau to seek a suitable place on the west bank as a base for their operations. Laclede was delighted with the site where St. Louis has since grown, at once fixed upon it, and a few months after their return young Chouteau started off again with his brother Pierre and a party of thirty men to establish themselves at the spot which Laclede had selected. They arrived there, and landed on February 15, 1764, at what has since become the foot of Walnut Street in a city of nearly six hundred thousand inhabitants.

In the spring Laclede joined them and named the place after Louis XV., in entire ignorance of the fact

that that French king no longer held sway over the region and that they were all subjects of Spain. The settlement was shortly afterwards in much alarm from the Indians and did not grow rapidly until some years after it came under American control. In 1808 the Missouri Fur Company was founded and did some business in furs, and there is said to have been quite an inrush of immigrants just before the War of 1812. That war, however, stopped this for the time, but with peace in 1815 immigrants began once more to arrive. The population of the city proper is said to have been one thousand in 1810 and three thousand five hundred in 1818, and in the latter year one hundred new houses were built.

Entirely French in its early days, it retained for many years traces of its origin; but the restless, inpouring Americans before long got the mastery over the docile descendants of the French, and then quickly brought the region under Anglo-Saxon civilization. The formerly controlling element had by no means rejoiced at their bodily transfer in 1804 to the American government, and many of them sighed all through life for the good old days when they were subjects of France or Spain.

It is said that for years the older French people scorned to learn English, and would say proudly, " Je suis français de France et je parle ma langue;" and the horrid innovations which the Americans introduced were a source of detestation to the kindly but weak people who had controlled the region. Darby writes that, when he went there as a boy in 1818, the harness they used on their little Canadian horses was most roughly and clumsily patched together with leather straps and buckskin thongs, and that the wheels of their wagons were made entirely of wood, without any iron tire; so that, when a few years later the Americans paved some of the streets, the French element complained bitterly and said that the

new-comers had put rocks in the streets and broken their cart-wheels.

They used, too, for their oxen, instead of a yoke, a cross-piece of wood, tied to the horns by straps, so that the animal pulled by the head—just such as may still be seen in some Latin countries; and another sight of like origin was that of men carrying buckets of water suspended by long strips of wood from a wooden yoke fitting around the neck.*

The streets were narrow and dirty, and in 1818 not a single one was paved. There were three principal ones parallel to the river,—Main Street, Church Street,—lately Rue de l'Eglise,—and Barn Street. Main Street was pretty compactly built and was the site of the fine residences as well as the business centre of the town, while the other streets contained fewer buildings.

The houses were generally whitewashed and, with the exception of two or three aristocratic establishments, were mean, frail, and uncomfortable; those belonging to the richer people were generally of stone, and there were but very few brick ones: some of frame or log still survived, with the logs planted perpendicularly in the ground, instead of horizontally, as was the American custom.

The finer houses were most substantial. That of Colonel Auguste Chouteau occupied a whole block or square, fronting on Main Street, and was surrounded by a solid stone wall two feet thick and ten feet high, with portholes through which to shoot Indians in case of attack. The stone walls of the house were also two feet and a half thick, and the building was two stories high and

* Fragment of Colonel Auguste Chouteau's Narrative of Settlement of St. Louis. Reavis's St. Louis, the Future Great City of the World, p. 152, quoting a city directory of 1821. Darby (Personal Recollections, p. 5) says that the population in 1818 was about two thousand. Mrs. Frémont's sketch of her father in John C. Frémont's Memoirs of my Life.

surrounded by a large piazza supported by pillars. The inside was elegantly furnished, but, like all St. Louis houses at that time, was entirely without carpet: the floors, instead, were made of black walnut and were kept brilliantly polished with wax by the daily labor of some of the large train of servants. Major Pierre Chouteau had another similar establishment occupying a whole block.*

The prevailing language to be heard in the streets was still French, and all the negroes spoke it as their mother-tongue. Darby estimates that in 1818 the French still composed two-thirds of the population, and they evidently gave the tone to the place at that time.

They were a light-hearted people, like those of the race from whose loins they had sprung, and it is said that there was a fiddle in every house and a dance somewhere every night. Enjoying life with a freshness quite foreign to the Anglo-Saxon race, and giving but little thought to the morrow, they seem to have lived easy and happy lives, and were honest and confiding; but they lacked entirely the audacity and the masterful push which characterized the Americans and which enabled the latter in the course of a very few years to control not only St. Louis but a vastly greater stretch of territory than the French had brought under their dominion in half a century.

The first American lawyers who moved to the section found themselves unable to practise because of their entire ignorance of the civil law, which then prevailed throughout upper Louisiana, but this difficulty was soon overcome. In 1812 Congress changed the name to the Missouri Territory, and the Legislature chosen in pur-

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* Darby's Personal Recollections, from which my facts in regard to early St. Louis are largely taken. See also Timothy Flint's History and Geography of the Mississippi Valley, Cincinnati, 1832, p. 306.

suance of the authorization of Congress passed a law in 1816 establishing the common law of England as the basis of their system. The grand jury, too, was soon introduced, and the fundamental principles of American self-government rapidly replaced the former paternal system, to the immense disgust of the French people.

Darby gives an interesting account of his experiences when he was taken as a boy in 1818 from North Carolina to St. Louis. His father made the long journey by land, taking his family and all he owned with him. The mother rode in a gig, while a large covered wagon, drawn by five horses, carried the bulk of their possessions. They took, too, quite a stock of negroes, and drove from Kentucky a goodly number of cattle, hogs, and sheep.

Arriving at the east bank of the Mississippi, opposite St. Louis, apparently in November or December, the boy's fancy was much struck by the rushing current of the river, which seemed to be boiling up from the bottom and was in places turbid and muddy. They were ferried across in a small keel-boat, entirely manned by Frenchmen, who were clothed in strange habiliments and who astounded the new-comers by their volubility in another language. But they were stout and capable oarsmen and left a vivid impression on this boy's mind of the energy with which they labored at the oars, each man doing his utmost and bringing every muscle into play. It took three days to complete the ferriage, and the cost of the transfer was about fifty dollars.

How Benton made the journey to St. Louis is not known, but we do know that he crossed the Mississippi to his new home one Sunday evening, with four hundred dollars in his pocket, and knowing not a soul in St. Louis. He had to begin there by learning a new system of law, and even the chief language of the place was unknown to him so far as speaking it was concerned.

He was doubtless for some time after his arrival en-

gaged in efforts to obtain a foothold at the bar and in affairs generally, but I have not ascertained who were his principal aids. General William Clark may well have been one. He was then and had been since 1813 the governor of the Territory, and was famous as one of the leaders with Meriwether Lewis in the first overland expedition to the Pacific, and he was a connection of Benton's future wife. Benton had, I think, by this time met the latter, through a friendship with James P. Preston, of Virginia, which he had made in the army, and it is not unlikely that he took with him letters to Clark from Preston.

His first connection with public life in his new home, so far as I have found, was in 1817, when he was appointed a member of the first board of school trustees, from whose action the Missouri system of public education derived its origin. He was on this board with William Clark, William C. Carr, Bernard Pratte, Auguste Chouteau, Alexander McNair, and John P. Cabanne, several of whom were leading men and very valuable acquaintances. He wrote also for the press, and in 1819 became one of the editors and then or later part owner of a newspaper.

This journal had existed for some few years, but about that time came into the ownership of Isaac N. Henry, of Nashville. Its name was changed to the *St. Louis Enquirer*, and it was issued every Wednesday and Saturday at the price of five dollars per annum, payable in advance. Advertisements of fifteen lines were inserted once for a dollar, and subsequent insertions were made for fifty cents. It advertised the laws of the United States by authority, contained notices from New York papers of "The Sketch Book of Geoffrey Crayon," of "Madame Riedesel's Narrative," and other works, and showed—as is well worthy of note—a decided dislike for banks.

Not only does it evince its own feeling of this sort, but quotes numbers of like articles from other papers, in one

of which a writer in *Niles's Register* says of the bank of the United States that "being soulless [it] cannot feel shame." The *Enquirer* was considered by Darby to be still Benton's "mouth-piece and organ" as late as 1823.

There are not many details to be found as to his success at the bar, but he evidently had a large practice in St. Louis. Bay thinks that he was retained in several important land suits, but paid "more attention to politics than to law." But Timothy Flint, who spent long periods on the Mississippi waters, wrote that after the death of Edward Hempstead, "Colonel Benton, well known in another place, has since been supreme at the bar. He is acute, laboured, florid, rather sophomorical, to use our word, but a man of strong sense. There flashes 'strange fire' from his eye, and all that he does 'smells of the lamp.'"

Upon his election to the Senate it is said that he called his clients together and gave up all his land cases on the ground that his connection with them might conflict with his duties as a Senator. He refused even to name any lawyer to take charge of the cases. I do not think that he ever practised law to any extent after this.*

* Reavis's St. Louis the Future Great City, etc., third edition, appendix, p. 149. Billon's Annals of St. Louis in Territorial Days, p. 105. An imperfect volume of the *St. Louis Enquirer,* beginning with the number for September 1, 1819, and ending with that of August 30, 1820, is preserved in the Missouri Historical Society, in St. Louis. Benton's name does not appear in the paper, which purports to be issued by "Isaac N. Henry and Co.," and speaks of its editors in the plural. There can be no doubt, however, of his connection with it. J. Q. Adams says in his Memoirs (v., p. 327) that Benton was half owner. John F. Darby's Personal Recollections, p. 261. Recollections of the Last Ten Years passed in Occasional Residences and Journeyings in the Valley of the Mississippi, by Timothy Flint, Boston, 1826, p. 184. The author writes of "E. H." and "Col. B.," but there can be no doubt who are referred to. Senator Elkins, in Benton Statue Proceedings.

At the time of Benton's removal St. Louis was close to the border of civilization, but to the west and northwest stretched a boundless region of vast promise to the eye that could foresee. There was trade communication by armed caravan to far-off Mexico and even to the Gulf of California, or " Sea of Cortez;" and a few adventurous lovers of solitude travelled across the Rocky Mountains down to Oregon and the Pacific Ocean. But it was mainly the hardy *voyageurs* and trappers after furs who penetrated into this immense wild region, and to the American people generally it was a sealed book.

Benton's interest in it either existed already or was aroused soon after his arrival at St. Louis, and he eagerly sought information from many a hunter and trapper and *voyageur,* as they came back to civilization from their long and solitary trips. From them, from Clark, and from missionary priests he acquired a remarkable knowledge of the region at a time when it was an unbroken wilderness, and there can be no doubt that throughout the rest of his career he had a far more accurate acquaintance with the territory of the United States west of the Mississippi River than any man living. Profoundly inspired at this early day with the vast development which he clearly foresaw for it, he studied its climates and watercourses and vast ranges of mountains, and planned its division into States and Territories, when our public men hardly knew the region existed and were absolutely indifferent to its future.

He certainly showed in this matter not only unusual knowledge, but profound statesmanship as well, for he foresaw years ahead all the main outlines of the future division and the principles on which it should be made. At the time when the Missourians were moving for admission into the Union there was some dispute as to what land should be included in the intended State, some wanting to divide it by the Missouri River. Benton opposed

this strongly, and said that the river ought to be in the middle; and in an article in the *St. Louis Enquirer* of September 25, 1819, gave his ideas as to the division of the vast region in a way which seems to me wonderfully near to what has actually taken place. He wrote:

"With respect to the number and form of the States to be laid off west of the Mississippi, a long and laborious application to the study of the face of the country, has brought us to this result: Three States to border the Mississippi; one on the Arkansas, taking that river for the centre; one on the Missouri, taking it for the centre; one on the St. Pierre,* it also being in its centre: each running back about three hundred miles. This would take in all the woodland which borders on the Mississippi. Other States should afterwards be formed in the rear, or above these, on the Arkansas, the Missouri, the Kansas, the Platte, the Yellow Stone, always taking a river for the centre of a State. By this means the centres of the States would always be in the part of the country which admitted of population, agriculture, and commerce, that is to say on the borders of the rivers where wood is found; and the extremes or ends of the States would be in the vast plains found between the rivers, and uninhabitable for want of wood and water. Such a system would line the banks of the Missouri and other great rivers with a succession of great cities, capitals of States, rising above one another from the centre of the valley of the Mississippi to the foot of the Shining Mountains."

An important step in the history of this great Western region, and particularly of Oregon, took place in 1818. The settlement which John Jacob Astor had made at the mouth of the Columbia in 1811, and had called Astoria, was captured by the British during the War of 1812, but was in 1818 again delivered to American possession in pursuance of the Treaty of Ghent. The British, however,

* The Minnesota or St. Peter's River, which flows through rather the lower part of Minnesota. Iowa was not foreseen by Benton as a separate State, and the area now composing it was included by him in the southern part of Minnesota and probably the northern part of Missouri.

had set up a claim to rights on the northwestern coast, and a convention was made with them in this same year for the joint occupation of the whole region for ten years and saving the claims of both nations.

This treaty Benton at once opposed and published letters against in the *St. Louis Enquirer,* contending that the British would infallibly secure the control of the territory through their fur companies and the powerful aid they gave them, and that at the lapse of the ten years the whole region would be in their actual possession and we be left to prove our mere right as best we could. The following extracts from these letters will be of interest:

THE TREATY WITH ENGLAND.

"*It is time that western men had some share in the destinies of this Republic,* was the sentiment expressed by this paper on seeing that Mr. Adams had proposed to dismember the valley of the Mississippi in behalf of the King of Spain. That sentiment recurs with great force on reading the treaty lately made by Mr. Gallatin on the part of the United States with the King of Great Britain. By this treaty or convention, the right of navigating the Columbia River for ten years is granted to the British fur companies. . . . The convention gives a joint right of occupying the ports and harbors, and of navigating the rivers of each other. This would imply that each government possessed in that quarter, ports, and harbors, and navigable rivers; and were about to bring them into hotch-potch for mutual enjoyment. No such thing. There is but one port, and that the mouth of the Columbia—but one river, and that the Columbia itself: and both port and river our own. We give the equal use of these to the British, and receive nothing in return. The convention says that the 'claim' of neither party is to be prejudiced by the joint possession. This admits that Great Britain has a claim—a thing never admitted by us, nor pretended by her. At Ghent she stated no claim, and could state none. Her ministers merely asked for the river as a boundary, as being the most convenient, and for the use of the harbor at its mouth, as being necessary to their ships and trade; but stated no claim. Our commissioners reported that they (the British commissioners) endeavored 'to lay a nest-egg' for a future pretension; which they failed to do at Ghent in 1815, but succeeded in laying in London in 1818;

and before the ten years are out, a full grown fighting chicken will be hatched of that egg. There is no mutuality in any thing. We furnish the whole stake—country, river, harbor; and shall not even maintain the joint use of our own. We shall be driven out of it, and the British remain sole possessors. The fur trade is the object. It will fare with our traders on the Columbia under this convention as it fared with them on the Miami of the Lakes (and on the lakes themselves) under the British treaties of '94 and '96, which admitted British traders into our territories. Our traders will be driven out; and that by the fair competition of trade, even if there should be no foul play. The difference between free and dutied goods, would work that result. The British traders pay no duties; ours pay above an average of fifty per centum. No trade can stand against such odds. But the competition will not be fair. The savages will be incited to kill and rob our traders, and they will be expelled by violence, without waiting the slower, but equally certain process, of expulsion by underselling: . . . and at the end of the ten years [the British] will have an admitted 'claim' to our property, and the actual possession of it." *

In a very few years his forecast of the results of the treaty was largely justified, for the powerful influence of the Hudson's Bay Company began at once to lead to the absorption of the region by the British. Fresh from meeting the aggression of England in open war, Benton thus soon found her once more warring upon the future greatness of the American republic; and here was another lesson confirming his earlier beliefs and rightly leading him to look with suspicion and distrust upon England as being then the aggressive, determined, and most dangerous opponent of the future of his own country.

A vast influence all this had upon him throughout his career, and his daughter thinks that he soon matured the resolution, which he so long pursued and finally saw triumph, to terminate the joint occupation, to hold for our-

* The extracts I have reproduced are from two of the letters, one to be found more at length in C. G., 28th Cong., 1st Sess., p. 637, and the other in View, i., pp. 109, 110.

selves the port on the Pacific, and thus to open overland communication with Asia. His writings show that, at least as early as 1818, he was deeply impressed with the value of the India trade* and had matured plans for directing its course over the American continent, and that he clearly foresaw, moreover, the coming settlement of the immense region to the northwest as far as the Pacific.

It is curious to read † that a good many years earlier one with whom Benton presumably associated in Tennessee foresaw this destined march of American institutions. Robertson, the founder of Nashville, is reported to have said some years before the close of the century, "We are the Advance Guard of civilization and our march is across the continent."

This may not impossibly have had its influence on Benton, who wrote in one of his articles ‡ in the *St. Louis Enquirer*, "The disposition which 'the children of Adam' have always shown 'to follow the sun' has never discovered itself more strongly than at present. Europe discharges her inhabitants upon America; America pours

* This belief still prevails, and the President (Sir George S. Robertson) of the Geographical Section of the British Association for the Advancement of Science said in his address at the meeting at Bradford, in 1900, "From the very beginnings of the great commerce, the Eastern trade has enriched every nation which obtained its chief share." Popular Science Monthly for March, 1901.

† Edmund Kirke's Advance Guard of Western Civilization, p. 31.

‡ The most complete reproduction of these articles of Benton, both on the Convention with England and on the Florida Treaty, that I know of is to be found in a publication from the office of *The Missourian* in St. Louis in 1844 of "Selections from editorial articles from the *St. Louis Enquirer* on the subject of Oregon and Texas as originally published in that paper in the years 1818–19; and written by the Hon. Thomas H. Benton," etc. I presume this was issued by Benton's friends to help him in the election to the Senate, then about to be held. A copy exists in the Library Company of Philadelphia.

her population from east to west. . . . In a few years the Rocky Mountains will be passed, and 'the children of Adam' will have completed the circumambulation of the globe, by marching to the west until they arrive at the Pacific Ocean, in sight of the eastern shore of that Asia in which their first parents were originally planted."

Already at that early day in our history some few Americans were trying to stretch out and obtain a share in the world's trade, and Benton was among the most active of these. His paper quotes in its issue of September 1, 1819, an article from the *Nashville Clarion,* in which it is said, "The road to the East Indies lies through the Isthmus of Darien. The project of connecting the Atlantic and Pacific Oceans will be renewed the moment that Mexico becomes independent or falls into the hands of a great nation. The execution of that project, by saving the doubling of Cape Horn or the Cape of Good Hope, will bring the East Indies several thousand miles nearer to New Orleans and Philadelphia. The rich commerce of the East would flow by our doors."

But this was evidently only quoted from general interest in the subject and was not Benton's opinion, for in the issue of September 25 of the same year he printed an article of his own * advocating an entirely different route. He traced the different paths which the commerce of India had followed in history, argued its immense value, and said that its channels "may be traced by the ruins of the great cities which grew up with the possession of this trade, and perished with its loss."

In proposing what he called "The American road to India," he said that Columbus was the first to conceive the idea of going west to arrive at the East Indies: La Salle, too, had the same idea, and Jefferson planned to find a

* This article is in part reproduced by Benton as an appendix to a speech in Congress. C. G., 29th Cong., 1st Sess., pp. 920, 921.

transcontinental route in the expedition he sent out under Lewis and Clark.

"What was the EAST Indies to the ancients," wrote Benton further, "are the WEST Indies to the Americans, for they lie to the west of us and but a few days' sail from our own coast. . . . The rivers Columbia, Missouri, and Ohio, form this line, and open a channel to Asia, short, direct, safe, cheap, and exclusively American. . . . The ascent of the Columbia and Clark's river [or fork of the Columbia] by this route do not present a navigation of more than a thousand miles, of which nearly two hundred is tide-water and deep enough for merchant-ships of any size; about three hundred is fitted for boats of some hundred tons; and the remainder for small vessels of thirty or forty tons. This distance is not equal to the length of the Ohio from the Mississippi to Pittsburgh, and though interrupted by several portages, presents in some respects a better navigation than the Ohio, being free from ice during the winter, and retaining its water and common depth much better during summer. . . . An American ship sails nearly thirty thousand miles in a voyage from the Atlantic States to the East Indies. . . . The new route would be shorter by twenty thousand miles."

There was an enthusiasm in his ideas in these days, and a conviction of the vast development of his country which are to-day delightful to see and were then prophetic. It was probably during his early days in St. Louis that he and Governor Clark undertook to calculate "the boatable waters in the Valley of the Mississippi," and made them about fifty thousand miles, counting of course "all the infant streams on which a flat, a keel, or a batteau, could be floated, and justly, for every tributary of the humblest boatable character helps to swell, not only the volume of the central waters, but of the commerce upon them." And as early as 1819 he had already conceived the idea of opening a water-way to connect the Mississippi and the Great Lakes.

When in 1818 or 1819 a commission came to St. Louis directed by the Secretary of War to run a line from

the southern end of Lake Michigan to the Mississippi, it was Benton's geographical knowledge that led him to propose to them "to examine the ground between Chicago and the head-waters of the Illinois River, with a view to the construction of a canal by the federal government." They accordingly made this survey, and upon their return submitted all their observations to him, and he it was who actually wrote the report they made in favor of that route for the canal. He printed the report in the *St. Louis Enquirer,* probably in April, 1819, and supplemented it by editorial articles, and wrote years later that it "was probably the first formal communication, upon authentic data, in favor of the Chicago Canal. . . . But I must confess I did not foresee then what I have since seen—the Falls of Niagara surmounted by a ship canal, and a schooner clearing from Chicago for Liverpool." *

If the value of the Chicago Canal has in modern days come to be doubted, no one can question the vast importance it would have had at a time before the invention of railroads and when all freight was still carried in small vessels. And it was certainly an original and far-seeing mind which could conceive so bold a scheme in the year 1819 in the far-off town of St. Louis.

It was Benton's absolute conviction of the vast development of America near at hand that led him to oppose strongly the Spanish treaty of 1819, by which

* I have not seen the *St. Louis Enquirer* of April, 1819. The only copy of the paper I know of is in the Missouri Historical Society and begins with the number of September 1. All the facts set forth, however, are contained in a letter dated June 20, 1847, from Benton to the committee of the convention held in Chicago in that year to promote the lake and river navigation of the West, and printed in Henry G. Wheeler's History of Congress, ii., pp. 415–418, and in Niles's Register (July 17, 1847), vol. lxxii., pp. 309, 310.

Spain ceded Florida to the United States and we agreed that our southwestern boundary should be, roughly speaking, the Sabine, the Red River, and the Arkansas. He wrote letters * to the *St. Louis Enquirer*, denouncing the treaty as soon as the basis of the negotiations was known in 1818. While recognizing the acquisition of Florida as desirable, he considered it certain to fall to us in time, and was bitterly opposed to "cutting off Texas" and "dismembering the valley of the Mississippi. . . . The magnificent valley of the Mississippi," he wrote, "is ours, with all its fountains, springs, and floods; and woe to the statesman who shall undertake to surrender one drop of its water, one inch of its soil, to any foreign power."

To Texas he evidently considered that we had a title, which should have been maintained. He had watched closely its settlement by Americans, and knew † many of the emigrants who went there. His newspaper contained in 1819 various items of Texas news, and the issue of September 11 reported their great indignation upon finding themselves given up by the Spanish Treaty, and quoted at some length a proclamation by James Long, commander-in-chief, and the "Declaration by the Supreme Council of the Republic of Texas." This latter recited the hopes the Texans had entertained of being included in the American Union, and said that their hope had prevented any effectual effort to shake off the Spanish yoke; but went on that, being now abandoned by the United States, they disdained to become a prey to Spain and therefore declared themselves free.

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* These articles are referred to by Benton in the View, i., pp. 14–18, and again in a speech in C. G., 28th Cong., 1st Sess., p. 656. The article of his reproduced at the latter place over the signature "La Salle" is dated in 1829.

† View, i., p. 674.

Benton did not want to demand the whole of what now constitutes Texas, but evidently thought that a large part of it ought to have been insisted upon, and he was quite ready to face war with Spain under the conditions then existing. He wrote:

"On the subject of the western and southern boundaries of Louisiana we should be willing to waive the pretensions, in some degree, of strict right on the part of the United States, not by way of doing a pleasure to the king of Spain, whom we regard as nothing, but for the purpose of yielding an agreeable and permanent boundary to our future ally, the Republic of Mexico. To them we would give up the Rio Grande del Norte, and all its waters, and would take to ourselves the Buenaventura,* and all the waters which fall into it. . . .

"[In the existing state of the negotiations with Spain] the question of *war with Spain* should be immediately canvassed in all the public papers. Pen and ink politicians may take fright at the sound of such a question, but to us it seems that such a war would be the most happy event for ourselves and for the human race that could now take place. It would give the Floridas and the island of Cuba, with the Havannah, to the United States; it would free the new from the old world; and it would create a *cordon* of republics across the two continents of North and South America,—boons for which the present generation should be willing, like Curtius, to leap into the gulf.

"It is stated, in letters from Washington City, that Mr. Gallatin proposes the latitude of 41° for the northern boundary of the

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*John Melish's Map of the United States in 1820 has a river of this name taking its origin on the western side of the Rocky Mountains in about longitude 34° west from Washington and between latitudes 41° and 42°, and flowing westward and southward to an unnamed lake at about longitude 39° and between latitudes 37° and 38°. From this lake to the westward dotted lines are drawn to the Bay of San Francisco and are marked as the "supposed course of a river between the Buenaventura and the Bay of Francisco, which will probably be the communication from the Arkansaw to the Pacific Ocean." Other maps represented this river, as well as others running in the same general direction and to the Pacific Ocean, more positively, and without the dotted lines and note.

province of Louisiana, giving to the British what lies to the north. Mr. Adams proposed the same parallel as the southern boundary of the same province, giving to the Spaniards what lies to the south. In the hands of these statesmen the map of Louisiana is as a bit of cloth between the trenchant edges of a pair of shears. It is time that Western men should have some voice in the destinies of this Republic."

At this time Benton blamed John Quincy Adams as the author of the Spanish treaty, but years later became convinced of his error as to this and openly in the Senate made his amends. He tells at some length in the "View" how mystified he was as to the real cause of the enormous sacrifice of territory, and especially by a statement of Adams which he and other opponents interpreted as being equivalent to saying * that "Spain had offered more than we accepted." He soon began to suspect some connection with the Missouri controversy then raging, but only found the explanation years afterwards in a letter from Monroe to Jackson, which said almost in words that the repugnance of some of the leaders in the East to the increasing power of the Southwest was the cause which led the administration to agree to the boundary contained in the treaty.

Here was another lesson as to the views of Eastern men upon the development of the Union, which of course

* View, i., p. 15, etc. It is hardly necessary to say that Adams did not admit this to have been his statement. "I . . . now recur to it [his objections in 1819 to the Florida treaty]," said Benton, in his speech in secret session against Tyler's Annexation Treaty, "in my place here to absolve Mr. Adams, the negotiator of the treaty of 1819, from the blame which I then cast upon him. His responsible statement on the floor of the House of Representatives has absolved him from that blame, and transferred it to the shoulders of the majority of Mr. Monroe's cabinet. . . . Southern men deprived us of Texas and made it non-slaveholding in 1819." C. G., 28th Cong., 1st Sess., appendix, p. 483. The debates upon this treaty were almost at once made public.

made its mark upon Benton. He writes that there was not a paper in the United States which backed his essays, but that he stood it without flinching and was charged with being an opponent of Monroe. He had to meet this objection in his first election to the Senate, and found in Washington that Monroe looked upon him as an opponent.

One other opinion from the *Enquirer* must be quoted here to show his early opinions. He wrote * in the issue of December 29, 1819, that there are "three objects which American statesmen should have constantly before their eyes—(1) the acquisition of Cuba, (2) the independence of Mexico, (3) a trade to India by the Columbia and the Missouri Rivers;" and even earlier, in 1810, he had in the *Impartial Review,* of Nashville, discussed † Cuba as "the geographical appurtenance of the valley of the Mississippi and eventually to become its political appurtenance."

While in the army he had grown very intimate with Colonel James P. Preston, of Virginia, who was the uncle of Miss McDowell, whom Benton later married, and whom it is probable that he was already in love with, and he and Preston kept up more or less correspondence after their separation. The following letters are all addressed to Colonel Preston, who had been elected governor of Virginia in 1816:

"St. Louis, May 17th, 1817.

"My dear Sir:

". . . I went to Tennessee this winter, and effected the removal of my mother to this place. She arrived a few days since, and will spend the remainder of her days with me. . . ."

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* This article is signed "Americanus," which Benton later said was a *nom de plume* used by him at this time. C. G., 28th Cong., 1st Sess., p. 656.

† He so states in C. G., 33d Cong., 1st Sess., vol. xxviii., part 2, p. 1233.

UNIVERSITY OF CALIFORNIA

"NASHVILLE, May 20th, 1818.

"DEAR SIR:

"I send you under another cover a newspaper of St. Louis, to let you see that our mutual friend, Gov. Clark, has been received with public honors, upon his return to our territory. I do this because some wretches have spread it abroad that the Governor was unpopular at St. Louis. This mark of public respect shown to him was intended as a silent negative to that idle slander. The measure originated in my office, and I wrote on the face of the subscription paper that the citizens gave the dinner in honor of Gov. Clark, that the mark of respect should be unequivocal.

"I am only here for a few days, drawn by a prospect of a treaty with the Chicasaws for the land they hold in the west end of this state, and where I have a large interest. I consider the treaty made. Jackson will have the land. It will be a great event for the U. States as it will carry the warlike population of Ken. and Ten. to the banks of the Mississippi, within ten or twelve days sail of New Orleans, and will give to that place the means of a prompt and powerful military aid, in comparison of which forts and garrisons will be as nothing.

"We hear but little from the Seminole war. The officers do not write many letters to their friends. One thing is certain I believe, they cannot find the thousands of Indians which filled the newspapers when the war broke out. After all, if this petty business leads to a war with Spain, I shall deem it an event of the first importance for the human race, as it will by that means lead to the complete emancipation of the *New* from the *old* world. . . ."

"ST. LOUIS, Nov. 14th, 1819.

"MY VERY DEAR FRIEND:

". . . Our fine country here is becoming a New Virginia. Vast numbers are arriving from the Parent state; but it would not seem like Virginia to me without some Preston's in it; and happily our friend William Campbell has just consummated an event which determines his happiness, and fixes his fate on the banks of the Missouri. I shall hope to see many follow him, even yourself, at least for a visit, which may be easily made with the help of steam boats, now swarming on the Ohio and Mississippi,* or in a carriage

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*The steamboat "General Pike" was the first to ascend the Mississippi above the Ohio; she reached St. Louis about the end of July or beginning of August, 1817. She had been built at Hender-

which would find in our prairies plains for rolling over, more beautiful and extended than Asia itself could boast.

"You know what I told you when I parted from you in that temple dedicated to Felicity on the summit of the Allegheny, that I was going forth as an adventurer to begin on a new theatre, and to endeavour to lay with my own hands some foundation of character and fortune. I did so. I crossed the Mississippi on a Sunday evening, four hundred dollars in my pocket, and nobody a head that I had ever seen before, my law reading to revise and the French language to learn. Heaven has been kind to me for it has given me health to perform in my office, and in the circle of my wants, the labors of a galley slave, and in four years I am comfortably established. If I had brought with me twenty or thirty thousand dollars, I should have been worth to-day from a quarter to half a million. For I had seen enough of the world to see things as they were, and as they would be. I came among people who could not believe it possible that ground about St. Louis, then selling for thirty dollars an acre, should sell at this day for two thousand; but I did believe, nay knew it, and daily saw splendid fortunes passing in review before me, and falling into the hands of those who look a few days ahead. Nor have these times entirely passed away. Our country still presents the finest theatre in America. Our lands are yet cheap, and advance in price while sinking everywhere else. Our towns flourish while so many others are perishing. Our noble rivers are enlivened with commerce; and the tide of emigration flows in upon us with a force and steadiness which should announce to the old states that the power of this continent is gravitating to the borders of the Mississippi. Look back to what we were thirty years ago; see what we are to-day; tell what we must be in 1830. From that day the West will give the law to the Republic; and those who have views beyond that period should plant themselves betimes on the waters of the West.—But I did not begin this letter to make a political essay, but to renew to you and Mrs. Preston the assurance of my never dying friendship."

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son at the mouth of the Ohio and had made the trip of two hundred and fifty miles from there to Louisville against the current in sixty-seven hours,—*i.e.*, at the rate of three and three-fourths miles per hour. The "Constitution" reached St. Louis in October, 1817, and it is plain that they then increased in numbers very rapidly. Davis and Durrie's History of Missouri, p. 67. Billon's Annals of St. Louis in Territorial Days, pp. 72, 73.

CHAPTER VIII

DUELS WITH CHARLES LUCAS

In the early part of the nineteenth century duelling was very usual throughout this country, and St. Louis was far from an exception to the general rule. Indeed, the varied population residing in that borderland city seems to have been rather more addicted to the practice than most others, and many a desperate and bloody encounter was had between their high-mettled youth on the island in the river, which came to be called "Bloody Island," owing to the fierce nature and the frequency of the meetings of this kind held upon it.

In 1816 Benton was second to Thomas Hempstead in a duel between the latter and Joshua Barton, which ended without bloodshed; but far different was the final result in Benton's own duel, which remains still famous among the many fought on "Bloody Island." Its tragic ending in the death of a promising young man has made it a subject of controversy, and there is to-day no possibility of learning the exact truth.

The large mass of commentators since the event cannot possibly be reconciled, and there is, moreover, no little divergence in the contemporary accounts coming from the Lucas and the Benton sides. Benton himself very rarely referred to the subject in later life, but his second published letters in the newspapers of the day, which are in part preserved, and gave an account of it to Judge Gantt in after-years; while Lucas's father also published contemporary statements in the newspapers* which pre-

* These statements of J. B. C. Lucas, the elder, were reprinted in pamphlet form in 1899 by his great-grandson, J. B. C. Lucas, from

sent the Lucas side of the controversy. These latter are preserved in full, while unfortunately the story of Benton's second, Lawless, is only to be found in such fragments as the elder Lucas reproduced in his public letters.

In this difficulty I have decided to confine my account in the first instance to a statement of such facts as may be derived from certain writings of the chief actors which have been preserved, and from those portions of the contemporary accounts which do not seem to be subjects of controversy. The correspondence between the parties has been in part preserved, and there is also a statement of Charles Lucas as to the difficulty between himself and Benton, written the evening before the first duel. This paper is in Lucas's own handwriting and is endorsed by him "Origin of state of differences between Thos. H. Benton and Chas. Lucas;" and it reads as follows:

"St. Louis, Aug. 11, 1817, 9 o'clock at night.

"The causes of differences between T. H. Benton and me were as follows: At October court of last year, Mr. Benton and I were employed on adverse sides in a cause. At the close of the evidence

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original issues of the *Missouri Gazette* of October 4 and November 1 and 15, 1817, then in his possession. The same pamphlet contains extracts from Lawless's letter about the duel to the same paper of September 20, but, as I understand it, these are merely extracts which were reproduced by J. B. C. Lucas, the elder, in his communication. A copy of this pamphlet is to be found in the Missouri Historical Society. At a meeting of the latter society on March 14, 1882, the one hundredth anniversary of Benton's birth, Hon. Thomas T. Gantt read a paper on Benton in the presence of John F. Darby, Hon. Peter L. Foy, and others, in the course of which he gave an account of the duel "from information received from Col. Lawless." Gantt was an ex-judge and a man of high reputation, but was of course speaking from memory of what had been told him. He is undoubtedly in error as to some points. The original of this address seems to have been lost. The extracts from it which I have used are to be found in Scharf's History of St. Louis City and County, vol. i., pp. 590, 591.

he stated that the evidence being so and so, he requested the court to instruct the jury to find accordingly. I stated in reply that there was no such evidence to my remembrance; he replied 'I contradict you, sir.' I answered 'I contradict you, sir.' He then said 'If you deny that, you deny the truth.' I replied 'If you assert that, you assert what is not true.' He immediately sent me a challenge, which I declined accepting, for causes stated in my correspondence. The jury in a few minutes returned a verdict for me, and in opposition to his statement. He never even moved for a new trial. Since that time we have had no intercourse except on business. On the day of the election, at St. Louis, 4th August, 1817, I enquired whether he had paid tax in time to entitle him to vote; he was offering his vote at the time. He applied vehement, abusive, and ungentlemanly language to me, and I believe some of it behind my back, all of which he declined to recant, to give me any satisfaction other than by the greatest extremities. This is the state of the dispute between T. H. Benton and myself. I make this declaration, that, let things eventuate as they may, it may be known how they originated.

"CHARLES LUCAS."

The challenge which Benton thus sent has not been preserved, but the answer of Lucas referred to in his above statement was as follows:

"ST. LOUIS, November 15, 1816.

"T. H. BENTON Present.

"SIR: Your note of this afternoon was received. On proper occasions or for proper causes, I would give the kind of satisfaction you appear to want, but for such causes as the one you complain of under all the existing circumstances, I would not feel justified in placing myself in such a situation, as to be under the necessity of taking your life, or jeopardizing my own.

"I will not suffer the free exercise of my rights or performances of my duties at the bar to be with me the subject of private disputes; nor will I allow it to others for doing my duty to my clients, more particularly to you in this case, who made the first breach of decorum, if one was made.

"You complain of my having given you the lie direct, and have as much right to complain of the whole jury, who on their oaths found a verdict in direct contradiction to what you stated to be the evidence. My object was that no misstatement of the testimony should be made in hearing of the jury without being contradicted. This was my duty to my client and to myself.

"The verdict of the jury verified the statement I made of the evidence, and I will not for supporting that truth be in any way bound to give the redress or satisfaction you ask for, or to any person who may feel wounded by such exposure of truth.

"Yours &c

"CHARLES LUCAS."

It had best be stated here, though this is by no means contemporary evidence, that it seems that the language * used by Benton at the time of Lucas's challenge of his vote was as follows: turning to the judges of election, he said, "Gentlemen, if *you* have any questions to ask, I am prepared to answer, but I do not propose to answer charges made by any puppy who may happen to run across my path." Such a term of contempt could not be taken at that time by any man without losing caste, and accordingly Lucas sent the following challenge: †

"ST. LOUIS, August 11, 1817.

"THOMAS H. BENTON, ESQ.,

"SIR:

"I am informed you applied to me on the day of the election the epithet of 'Puppy.' If so I shall expect that satisfaction which is due from one gentleman to another for such an indignity.

"I am

"CHARLES LUCAS."

Many years afterwards, in one of the very few instances in which he referred to this duel, Benton told of the circumstances under which this challenge reached him.

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* This is stated by Washburne in his sketch of Hempstead, p. 6, and is nowhere disputed, so far as I know.

† My copies of this note and of the other papers referring to the Benton-Lucas duels are from copies kindly sent me by the late Hon. C. Gibson, of St. Louis, from the originals in his hands, or from the contemporary account of the duel by J. B. C. Lucas, already referred to. Mr. Gibson wrote me that he found the papers of which he sent me copies among the papers of Edward Bates. The originals have since all been deposited in the Missouri Historical Society.

In 1856 Elihu B. Washburne, who was about to deliver an address on the occasion of the presentation to the State of Missouri of a portrait of Edward Hempstead, called upon Benton to talk of early St. Louis. Benton had been a very intimate friend of Hempstead and talked admiringly of him to Washburne, saying that he would certainly have been the first Senator, if he had lived. Benton went on to say that he had been with Hempstead the night he died (August 10, 1817)—then paused—and then went on abruptly;

"Sir, how we did things in those days! After being up with my dead friend all night, I went to my office in the morning to refresh myself a little before going out to bury him five miles from the town. While sitting at my table writing a man brought me a challenge to fight a duel. I told the bearer instanter 'I accept, but I must now go and bury a dead friend; that is my first duty. After that is discharged I will fight to-night, if possible, if not to-morrow morning at daybreak. I accept your challenge, sir, and Colonel Lawless will write the acceptance and fix the terms for me.' I was outraged, sir, that the challenge should have been sent when I was burying a friend. I thought it might have been kept a few days, but when it came I was ready for it."

Colonel Luke E. Lawless acted as second for Benton, and Joshua Barton for Lucas, and a meeting was arranged to be held on the morning of August 12, on "Bloody Island." The seconds drew up the following agreement as to the terms;

"Articles regulating the terms of a personal interview between Thomas H. Benton and Charles Lucas, Esquires:

"1. The parties shall meet at 6 o'clock on the morning of the 12th inst. at the upper end of the Island, opposite to Madame Roy's.

"2. Each party shall choose and provide himself with a smooth-bore pistol not exceeding eleven inches in length.

"3. The pistols shall be loaded on the ground by the friends of each party in the presence of both friends and parties if the latter shall require it.

"4. The friends of each party shall have the liberty of being armed with two loaded pistols on the ground if they please.

"5. The parties respectively shall be examined by the friends of each other on the ground to see that they shall have no personal defence of any kind about them, or anything that can prevent the penetration of a ball.

"6. The parties previously to taking their ground shall strip off their coats and waistcoats to their shirts respectively, and shall fire in that situation.

"7. Each party to have leave to take a surgeon with them if they please to the grounds.

"8. The parties shall stand at the distance of thirty feet, and after being asked if they are ready, and each having answered in the affirmative they shall receive the word to 'Fire' after which the parties may present and fire when they please.

"9. The friends of the parties shall cast lots for choice of stands and for the giving of the word.

"10. The friends of the parties shall pledge themselves to each other that there are no persons on the Island to their knowledge except those seen.

"11. If either party shall fire before the word fire is given it shall be the duty of the friend of the opposite party to shoot him who has so fired.

"12. The parties by their undersigned friends pledge themselves on their honor for the strict observance of the above articles.

"St. Louis, 11th Augt., 1817.

"Lawless.
"J. Barton."

The parties met in pursuance of this agreement, and at the first and only shot Benton received a slight contusion below the knee, while his opponent had a vein in the neck cut by the ball and soon bled so profusely that the surgeon and seconds said he could not go on. It appears that at first Lucas was thought to be but slightly wounded, and Lawless's contemporary account is that at the request of Benton he asked Lucas whether he was satisfied and received a negative reply. When, however, Lucas began to bleed very fast and the surgeon concluded that he was too badly hurt to go on, Lawless asked again, and Lucas said he was satisfied. Benton,

however, said then that he was not satisfied, and accordingly the parties separated under an agreement that they should have another meeting when Lucas was well enough.

Lawless states in his contemporary account that he agreed that the second meeting should be at "any distance from ten paces to five, which latter was mentioned by Mr. Barton as best calculated to place the parties on an equality;" but later the difficulty between them was adjusted and the intention to have a second meeting was given up. This was, however, only brought about after a good deal of effort, and Lawless goes on that at one period when Benton "was about to withdraw the demand of a second meeting, he was assailed with reports of the most offensive nature to his feelings and reputation. Colonel Benton then saw the necessity of disproving these reports, either by another meeting or by an explanation from Mr. Lucas, from whom or from whose friends he supposed these to have proceeded."

Lawless continues that through his efforts it came about that Lucas agreed to sign a statement upon this subject which Lawless drew up and thought sufficient. Benton, however, did not think it explicit enough and rejected it, and a new meeting was arranged for, when further efforts of Lawless and other friends induced Lucas to sign the following statement, which was accepted by Benton and the second meeting given up:

"In consequence of reports having reached Col. Benton of declarations coming from me, respecting the shortness of the distance, at which I intended to bring him at our next meeting, I hereby declare, that I never said anything on that subject, with a view to its becoming public, or its coming to the knowledge of Col. Benton; and that I never said or insinuated, or caused it to be said or insinuated, that Col. Benton was not disposed and ready to meet me at any distance, and at any time whatsoever.

"CHARLES LUCAS."

The account of the duel published by J. B. C. Lucas, the father, is to the effect that, as Charles Lucas recovered, he said occasionally that "knowing the superiority of Mr. Benton [as a pistol shot], since he must meet him again, he would bring him to a short distance, to equalize his chance;" and I presume it is beyond doubt that here is to be found the origin of the reports offensive to the feelings and reputation of Benton referred to by Lawless. The challenge from Benton for the second meeting, given shortly below, shows conclusively that there had been an accommodation, and shows equally clearly that Benton thought that the stories to his discredit, which are mentioned by Lawless and which Charles Lucas had denied, were still current after the accommodation. The second challenge read as follows:

"St. Louis, September 23, 1817.

"Sir:

"When I released you from your engagement to return to the island, I yielded to a feeling of generosity in my own bosom, and to a sentiment of deference to the judgment of others. From the reports which now fill the country, it would seem that yourself and some of your friends have placed my conduct to very different motives. The object of this is to bring these calumnies to an end, and to give you an opportunity of justifying the great expectation which has been excited. Col. Lawless will receive your terms, and I expect your distance not to exceed nine feet.

"T. H. Benton.

"Charles Lucas, Esq."

Lucas was absent from St. Louis at the date of this letter, but returned on September 26, and at once sent the following reply:

"St. Louis, September 26th, 1817.

"Sir:

"Your note of the 23rd inst. has been received this morning on my arrival from below. Although I am conscious that a respectable man in society cannot be found who will say that he ever heard any of the reports alluded to from me, and though I think it more likely they have been fabricated by your own friends than

circulated by any who call themselves mine, yet, even without knowing what those reports are, I shall give you an opportunity of gratifying either your own wishes or the wishes of your news carriers.

"CHAS. LUCAS.*

"THOS. H. BENTON."

The second meeting was of course under the circumstances looked upon as a new and different duel, and the articles regulating it accordingly specify that they are the terms of a "personal interview between Thomas H. Benton demanding and Charles Lucas answering." The parties were to meet at the same place as before at six o'clock on the morning of September 27, attended by two friends and a surgeon each. The terms were in the main the same as those of the first duel, except that the principals were to stand at the distance of but ten feet from each other, and, upon the word being given, were to have three seconds in which to fire; after the lapse of this space of time, they must stop.

They met accordingly, Benton attended by Colonel Lawless and Major Joshua Pilcher † as his friends and B. J. Farrar as his surgeon, and Lucas by Joshua Barton and Colonel Clemson as his friends and Dr. Quarles as his surgeon. They fired but once and the two pistols were discharged so closely at the same moment that the friends on the island could hear but one report, and people on the bank of the river near by thought only one shot had

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* This letter is among the copies sent me by Mr. Gibson. At the foot is the following memorandum made by Lucas's second: "The above is as near a copy of the note of Mr. Lucas to Mr. Benton as I can recollect. The copy which I kept being lost, I made this from memory the next day, 27th September. I asked of Col. Lawless a copy of the note sent Col. B. who told me it was lost or destroyed. J. BARTON."

† The presence of Major Pilcher, Colonel Clemson, and the two doctors named depends, I think, on evidence which is not contemporary.

been fired. Benton was untouched, while Lucas was struck in the right arm and the ball then lodged near his heart. He died within an hour.

The foregoing account may, I think, be relied upon as accurate, but there remain some rumors and allegations which must be referred to. The account given by the father of Lucas has it that, after Lucas's fatal wound, Benton approached his wounded opponent and expressed his sorrow, but Lucas answered, "Colonel Benton, you have persecuted me and murdered me—I do not or cannot forgive you;" but, as he felt his end nearing, he added, "I can forgive you—I do forgive you," and gave him his hand. The Gantt account upon this subject is that Lucas, after he fell, caused Benton to be brought to him, expressed himself as perfectly satisfied with Benton's conduct, and took upon himself the blame for the meeting.

Some stories were also current of Benton's violent manner on the field, rolling up his sleeves and fiercely stroking his arms, while the Gantt account explains that it was a very close morning and Benton complained of the heat, dipped his wrists in water, and then wiped them off. The elder Lucas's account, moreover, argues that Benton's challenge to the second meeting was entirely unnecessary, as he already had in his possession Charles Lucas's denial of the stories on which it was based, and takes the view that Benton was a practised duellist, vastly the superior of his opponent in such matters, and had made up his mind to put Lucas out of the way.

On the other hand, the Gantt account is that there was a plan on foot to drive Benton from the political field, that Lucas's challenge of Benton's vote was the course agreed upon, and that Lucas was selected by lot for the purpose. Gantt's account is further that the elder Lucas was in a rage when he heard of the efforts at a reconciliation after the first meeting, and said that cowardice was

the motive which inspired Benton, and that he was afraid of the deadly terms as to distance which his opponent insisted upon. At first, the Gantt account goes on, Benton took no notice of all this, but the stories continued, and J. B. C. Lucas said that Benton was a poltroon and that his son said so also.

Finally, Benton wrote Charles Lucas about the stories, said he was satisfied he had said nothing of the kind, and asked a written statement to that effect. This Charles Lucas expressed himself as willing to send, but the statement did not come, and the next day Lucas wrote that he could send no such letter. He had at about this same time—goes on the Gantt account—been seen walking with his father, who was talking vehemently to him. There is also a story,* though without authority given, that once after the duel, the elder Lucas, seeing Benton upon some social occasion, went up to him and publicly insulted him most grossly, Benton taking no notice of the violent and abusive language applied to him.

I give these stories for what they are worth, but do not suppose that much weight is to be accorded them. The Gantt account is very long after the event and is almost certainly in error as to Benton not having received a letter from Lucas denying the rumors which were current, detrimental to Benton's reputation for courage. I do not see how otherwise the reconciliation could have taken place, and Lawless's own contemporary account †

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* Scharf's History of St. Louis City and County, vol. ii., pp. 1458, 1459.

† Colonel Switzler's History of Missouri, p. 482 *et seq.*, gives an account of the duel, in which are reproduced some further fragments of the Lawless letters of the day, but I do not see that they add anything new. The account is in several respects very inaccurate, is in a high degree partisan, and is, moreover, based on some anonymous communication to a newspaper, and not therefore to be relied upon. In my investigations I came across one such

is entirely at variance on this point with the Gantt account. But I do not see at all that it follows from this that the second challenge was unjustifiable, if the stories were still repeated after the letter was sent. And it must always be remembered that the contemporary story of the transaction, as it comes to us, comes chiefly from the Lucas side.

As to the stories that the parties were determined to put each other out of the way, I think they may be dismissed. The correspondence shows that such was not the intention of Charles Lucas, while the story that Benton feared his opponent as a rival for the United States Senatorship is an extremely unlikely one, for Lucas was barely twenty-five years of age at his death, and would not therefore even have been eligible for the office until the lapse of five long years.

Doubtless, the antagonism between the French and American settlers was an important factor in the quarrel. The Lucases were French, and that formerly controlling element was, as Gantt says, very sick of the unceasing push of the bustling Americans, while the latter were impatient to secure entire control.

It can not be doubted that Benton was a man of violent temper and at times of overbearing manner, and a cooler man would have taken no notice of the rumors which busybodies were whispering about as to the Lucas stories of his being afraid. But it is certainly very noteworthy that Charles Lucas himself recorded in a solemn paper written on the eve of the first duel that, at a time when a challenge had already passed between himself and Benton and they had had no intercourse whatsoever for

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modern account very favorable to Benton, and succeeded after much trouble in getting into correspondence with its author, who at once admitted that his article was based on nothing. I have of course given it no weight whatsoever.

over a year, he saw fit to challenge Benton's vote and to inquire whether he had paid his taxes in time.

The view of the elder Lucas that Benton was a duellist *par excellence* is certainly an error; he was doubtless a much better shot than his opponent, but this advantage was to a large extent neutralized by his willingness for a meeting at very close range, and the two duels with Lucas are the only ones he was ever engaged in as principal. His conflict with Jackson was a mere personal encounter and undoubtedly forced upon him.

Gantt maintains that Lucas's death was regarded by Benton all through his life as a supreme misfortune to himself, and Benton said * on his death-bed that he had always regretted the duel, but that it was one of those unavoidable things forced upon him; and in his autobiographical sketch, writing of his early life at Nashville and St. Louis, he says that duels and affrays were common, and that he had his share of them. Then, after referring to his encounter with Jackson, he goes on: "A duel at St. Louis ended fatally, of which Colonel Benton has not been heard to speak except among intimate friends and to tell of the pang which went through his heart when he saw the young man fall, and would have given the world to see him restored to life. As the proof of the manner in which he looks upon all these scenes and his desire to bury all remembrance of them forever, he has had all his papers burned which relate to them, that no future curiosity or industry should bring to light what he wishes had never happened."

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* I state this upon the authority of a letter of reminiscences to myself from the late Hon. Richard T. Jacob, Benton's son-in-law.

CHAPTER IX

ADMISSION OF MISSOURI AS A STATE—EFFORTS TO RESTRICT SLAVERY—ELECTION TO UNITED STATES SENATE—MARRIAGE—LETTERS

BENTON probably began soon to take a part in politics at St. Louis, and writers generally agree that he was very active in the steps which led to Missouri's admission to Statehood. His newspaper furnished him an admirable vehicle for this purpose. At the end of 1817 the people began to agitate the subject, and in March, 1818, a petition was presented to Congress for admission as a State by that portion of the people of the territory occupying about what is now the State of Missouri. But it was their ill-fortune to become the centre of a violent political storm.

It was at this time that the opponents of slavery made the first active effort to prevent its increase, and, although it then existed and had existed for years in the region and was undoubtedly legal, there was a long and desperate contest in Congress over an effort to add to the bill authorizing the creation of the new State a restriction intended to lead in time to the enforced extinction of slavery within its limits. Owing to the disagreement of the two Houses of Congress upon this question, the measure failed at the then session, but early in the first session of the next or Sixteenth Congress a new petition for admission as a State was presented from the Legislative Council and House of Representatives of the Territory, and different amendments were at once proposed to prohibit slavery in the proposed State or in the territory of which it then formed a part.

It is not necessary to follow in detail the contest upon the subject which arose again. The vast constitutional questions involved were discussed at much length and with immense ability by the great men of the day, and there long seemed to be no way out of the difficulty. For the first time in our history, the country was divided on purely geographical lines, and the two sections stood in almost hostile array, while the few Revolutionary sires still surviving stood aghast at the terrors of the situation and some of the people came to refer facetiously to the subject as the "Misery" question.

Suffice it to say here that at length the efforts to insert a *restriction* upon Missouri were abandoned, and an agreement was made by virtue of which that State was to be admitted without the restriction of her powers, but there was enacted instead what has always been known as the Missouri Compromise. This compromise was contained in a proviso to the bill authorizing Missouri to form a State government, by which it was enacted that slavery should be prohibited in the remaining portion of the Louisiana territory north of latitude 36° 30′.

This measure with the proviso received the final approval of the two Houses of Congress March 2, 1820, and was approved by Monroe on March 6. The gratification of the Missourians over this issue of the long contest may be imagined. The proceedings in Congress had been closely followed and the *St. Louis Enquirer* had contained long extracts from the debates upon the subject. How, and how slowly, news travelled in that day is evidenced by its issue of Wednesday, March 29, which says that "a traveller from Cincinnati arrived in town on Saturday evening, bringing with him the *National Intelligencer* of the 4th of March, containing the proceedings of Congress to the 3d. A hand-bill announcing the happy intelligence contained in the paper

was immediately issued from this office amidst the ringing of bells, the firing of cannon, and the joyful congratulations of the citizens."

Steps were immediately taken to form a State constitution, and there was some discussion among themselves whether to admit or exclude slavery. I think it more than likely that Benton was the "devoted friend to Missouri" who published a long article in the *Enquirer* of April 26 advocating slavery in the State on the ground that it would be advantageous both to themselves and to the Union. He was not a member of the Constitutional Convention. Late in the canvass he was urged to become a candidate, but after some hesitation decided to adhere to his "prior declination," on the ground that voters had generally made up their minds whom to vote for, and his entering the field so late in the day would risk the loss of a member.

But with the meeting of the Legislature of the new State on September 18, 1820, his career on the broad field of public life which he filled for so long may be said to have begun. This Legislature assembled in the Missouri Hotel, on Main Street in St. Louis, and one of its first duties was the election of two United States Senators. David Barton was elected without opposition to one of the seats, but there was a hard struggle for second place. Benton, John B. C. Lucas, Henry Elliott, John Rice Jones, and Nathaniel Cook were all candidates, but after many efforts it seemed impossible to elect any one of them. Benton wrote many years later that he had been nominated by a son of the great Kentucky pioneer Daniel Boone.

John B. C. Lucas was the father of Charles Lucas and was the leading candidate against Benton, and there was very bitter feeling between them. Benton was charged with being an opponent of Monroe's administration, owing to his already mentioned opposition to the

Florida treaty and to the agreement with England for joint occupation of the Oregon district. In the apparent impossibility of making a choice, it is said that Barton, who was a man of unbounded popularity, was given the privilege of naming his colleague, and chose Benton.

But even then they were unable for some time to secure an election, though it was only necessary to gain for Benton one more vote. Finally, his friends decided to make every effort to draw over a French member from St. Louis County, named Marie Philip Leduc, who was a supporter of Lucas. Leduc had asserted most positively that he would never vote for Benton, and is said to have declared that he would rather lose his right arm, but a number of French citizens of popularity and wealth were brought to bear upon him. Auguste and Pierre Chouteau and Sylvester Labadie were among these, and they had an interview with Leduc at which their chief argument seems to have been that Lucas had shown hostility to the French and Spanish claimants of land under grants of their governments, while Benton was friendly to them and would take an active part—as he actually did later—in passing laws to confirm their titles.

At length Leduc was convinced, and agreed to vote for Benton, but it is said that the whole of a Saturday night was consumed in bringing him over. It is worthy of observation that political and personal opponents of Benton made no charge that corruption had been so much as attempted.

The struggle was now about over, but there was still a chance of defeat, owing to the fact that one of the Benton members, Daniel Ralls, was very ill. The Legislature assembled again on Monday morning in joint session, in the dining-room of the hotel, and the friends of Benton hurried matters to a vote. Ralls was at once carried downstairs in his bed by four negroes from the room in the hotel which he occupied, and, though it is

said that he was too sick even to raise his head, his presence enabled Benton to secure the election. Ralls died soon afterwards. "Through such death-struggles as this it was," says Darby, "that Thomas H. Benton, with the powerful aid of David Barton, first reached the floor of the American Senate, where afterwards he used to boast that he had served six Roman lustrums." *

But, though Benton was thus elected to a seat in the Senate in the autumn of 1820, and though he was in Washington early in December of the same year, at the opening of the session, to take his place, he and his colleague found themselves—as he expressed it—"deforced" from the Senate for a year, and he says with truth that he was "a soldier without arms" during the progress of a battle on which his future depended. This came about for the following reason.

When the proposed Missouri constitution was transmitted to Congress, it was found to contain a clause making it the duty of the Legislature to enact laws to prevent free negroes from settling within their borders, and this clause was claimed to be in violation of that section of the United States Constitution which entitles the citizens of each State to all privileges and immunities of citizens in the several States. Another long contest at once ensued, the details of which are not important here. At length, on February 28, 1821, very near the expiration of that Congress, the matter was settled by the admission of the new State "upon the fundamental condition" that the clause in question should never be construed to authorize the passage of any law violating the provisions

* My account of Benton's election is taken from Darby's Personal Recollections, pp. 28–33; L. U. Reavis's St. Louis, the Future Great City of the World, p. 30; View, i., p. 737. Other writers also tell the story. See, *e.g.*, Wm. F. Switzler's History of Missouri, pp. 213–215.

of the United States Constitution as to the privileges of citizens of one State in another State, and that the Legislature of Missouri should declare its assent to this condition. The Legislature passed the required law, and then, on August 10, 1821, Monroe issued his proclamation that Missouri had been admitted as a State.

The prolonged struggle which had thus at last come to an end was the beginning of the bitter disputes between the two sections of the country over the question of slavery, which were destined to grow fiercer and fiercer and ever more all-consuming, until they terminated at last in a most desperate civil war. It is generally taught that those who advocated the restriction upon Missouri's rights to be a slave State had become possessed of a moral conviction that slavery was wrong and that it was their high ethical and religious duty as public men to legislate, wherever and whenever they could, to prevent the increase of the evil.

Far be it from me to deny that many of those who—to their vast disadvantage in a worldly point of view—took up the cause of abolition were guided by the most disinterested motives. There is no possibility of question that many of them broke their prospects in life and incurred great physical dangers by their bold assertion of a despised and detested opinion. This was the case all through the history of the anti-slavery agitation, and there can be no doubt that there was a great deal of sincerity in that vast wave of popular sentiment which swept over the country in 1820 and insisted in thousands of public meetings and addresses that there should be no new slave territory within the Union.

But when historians ask us to believe that these were the chief or only motives, and particularly that the politicians and statesmen were guided by such high and unselfish impulses, they ask us to believe something which can only be accepted by those who are credulous in the

extreme or who have already an hypothesis to which they torture the truths of history. Such are not the motives which guide public men, vast numbers of whom simply use, and even induce, the gusts of popular passion, so as to sweep their party into office almost without thought of the ethics of the question involved.

Benton has given some view as to how much the men in public life in 1820 were actually guided by a moral impulse in their efforts to force the restriction upon Missouri. He says that the contest was at that time openly avowed by public men to be a question of political power between the two sections, and names Rufus King as one who disdained dissimulation and frankly declared that such was the case. King had taken a leading part in favor of the restriction, and was beyond question very well acquainted with the motives which guided the moves on the political chess-board, and Benton said in a speech * some years later that King had "upon the floor of this Senate, disdaining all disguise, and discarding all hypocrisy, openly proclaimed that the Missouri contest was a struggle for political power, and that he would sooner see Missouri remain forever a haunt for wild beasts than come into the Union on the side of the slave States."

This same view had also its effect on popular sentiment, for McMaster tells us that politicians pointed out that the North would never be rid of Southern Presidents and Southern rule, if the slave-holding States were increased in number. And the *St. Louis Enquirer* of January 5, 1820, quoted an article containing an extract from the *New York Daily Advertiser* of December 13, 1819, which said "we repeat an idea, which cannot be too often brought home to the consideration of the public, especially in *this part* of the United States, [viz., the aforesaid Northern section] that this question involves

* C. D., vol. vi., part 1, 1829–30, p. 26; View, i., pp. 8–10.

not only the future character of our nation, *but the future weight and influence of the free States. If now lost, it is lost forever.*"

John Quincy Adams, too, recognizes in reality the same thing, when he writes that "the struggle for political power and geographical jealousy may fairly be supposed to have operated equally on both sides," for it cannot be questioned that the North took the aggressive side in this first contest; Missouri was in a condition to entitle her to admission, and slavery existed and had existed for years within her limits both by law and as a matter of fact.

So well does it seem to have been understood at the time that this was the real underlying motive in the controversy that Jefferson spoke of the efforts for restriction as a "mere party trick" to get power; and Calhoun had no doubt that the "question was got up by a few designing politicians in order to extend their influence and power," though he did not believe (as his correspondent did) that it was the beginning of a "premeditated struggle for superiority" between the North and the South. Webster, too, recognized very clearly that the question was one affecting the right of the North "to an equal weight in the political power of the government," but seems to have had in mind the unequal basis of representation which he looked upon as one of the objections to making new slave States. Benton thus sums up * his views upon the subject:

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* View, i., p. 10. See also McMaster's United States, iv., p. 577; J. Q. Adams's Diary for March 7, 1820, vol. v., p. 15; Randall's Life of Jefferson, iii., pp. 456, 457; Calhoun's letters of October 26, 1820, and October 1, 1821, to Charles Tait, printed in The Gulf States Historical Magazine for September, 1902 (vol. i.), pp. 92–104; Webster's letter to Henry Baldwin, printed in Van Tyne's Letters of Daniel Webster, p. 83.

"It was a federal movement, accruing to the benefit of that party, and at first was overwhelming, sweeping all the Northern Democracy into its current and giving the supremacy to their adversaries. When this effect was perceived, the Northern Democracy became alarmed, and only wanted a turn or abatement in the popular feeling at home to take the first opportunity to get rid of the question by admitting the State, and re-establishing party lines upon the basis of political principle. This was the decided feeling, when I arrived at Washington, and many of the old Northern Democracy took early opportunity to declare themselves to me to that effect, and showed that they were ready to vote for the admission of the State in any form which would answer the purpose and save themselves from going so far as to lose their own States and give the ascendant to their political adversaries."

Already at this early day Benton writes * that he was "equally opposed to slavery agitation and to slavery extension," and, as a result of the outbreak of the contest in Congress, he had induced the Missouri Constitutional Convention to insert a clause prohibiting the Legislature from emancipating slaves without the consent of their owners. He says that his idea in this was that only by excluding the subject from the forum of elections and legislation was it possible to prevent its agitation. However fully formed this idea may then have been in his mind, his later history will show that he persistently tried to prevent the agitation of the subject by either side, and soon came to see clearly how deeply it imperilled the Union.

It has been said that the two Missouri Senators found themselves unable to gain admission to the Senate at its meeting in December, 1820, owing to the outbreak of the second Missouri contest, and all that session passed away without their being able to take any part in the proceedings. Benton says that they were at once admitted by Gaillard, the President *pro tem.* of the Senate, to seats on

* View, i., pp. 8, 9; C. G., 33d Cong., 1st Sess., appendix, p. 560.

the floor, and that they franked letters and received pay precisely as regular members, but except in these respects they were excluded.

During this long period, when there was but little they could do in regard to the matter of most importance to them, Benton occupied himself in studying Spanish, and is said to have made himself master of it and to a large extent of its literature. The knowledge thus acquired was highly useful to him in later life, and on several occasions he made careful examinations of the early Spanish laws of Mexican provinces and was able to quote them at length from the original.*

In these early days of his career, when he was beginning his duties as a public man, one impression was made upon his views which must be mentioned here, and which had beyond doubt a deep influence upon his action in a very important matter. It is well known that a time of apparent prosperity came to a sudden end about the close of 1818, and that there was then one of those periods of financial depression which have periodically swept over the country. Benton seems already, in the War of 1812, to have become convinced of the evils of paper money and of the extreme desirability of specie; and of the panic of 1819 and its effect upon him he said † in the Senate in 1840:

"I came into this body at a time, and in a state of the country, calculated to make those *think,* and seriously think, who were elevated to the high function of national legislation. I was elected to this body in the year 1820, when the hollow and delusive paper system was undergoing one of its habitual and disastrous convulsions; and when my progress to this place—my journey from the Mississippi to the Potomac—was one long ride amidst the crashings

* C. D., vol. xii., part 1, 1835–36, col. 10. Sketch of him in the *Democratic Review* for October-December, 1837, vol. i., p. 83, etc.

† C. G., 26th Cong., 1st Sess., appendix, p. 118. See also C. G., 25th Cong., 2d Sess., appendix, p. 216.

and explosions of banks, and the cries and lamentations of a deceived and plundered people. The National Bank was then in the third year of its age; and so far from affording a remedy for the evils, it was itself the mother of the evils, and notoriously bankrupt, except for the credit and revenues of the United States, which were lent and extended to save it. I saw with my own eyes that a National Bank was no remedy for the evils of the banking system—that it was itself the greatest and most potential author of all those evils. I saw a vast ruin overspreading the land, and I had my opinion of its cause, and of its remedy; but I was a new Senator and a young man . . . and I was here a long time before I could act on this subject."

Still another event of importance in his life which happened during this same period was his marriage. He was married on March 20, 1821, to Elizabeth McDowell, the daughter of Colonel James McDowell, of Rockbridge County, Virginia, and Sarah Preston. She was born July 8, 1794, and was therefore more than twelve years her husband's junior. He had apparently made her acquaintance during the war through his friendship with Colonel James Preston, her uncle, and his courtship had evidently been a long one. This was doubtless owing to Miss McDowell's unwillingness to marry him, but their union turned out an unusually happy one, and it will be seen later that his devotion to her was such that neither in her youth nor as sorrows and trials came with years did she have cause to regret her final decision.

The following letters will serve to give some idea of his thoughts and feelings at about this period and during the earlier years of his service in the Senate:

[To his mother.]

"WASHINGTON CITY, Dec. 13th, 1820.

". . . I stopped in Virginia to see an old acquaintance, Miss Elizabeth McDowell, and to renew my proposals of marriage to her. I shall call at her father's again in March on my way out, and expect to be married at that time. She is a woman of sense, education, good breeding, accomplishments, and family equal to any in

America, and of an age suited to my own, and presents the rare example of piety superadded. . . ."

"WASHINGTON CITY, Dec. 20th, 1820.

"MY DEAR SIR:

"I could not have forgiven myself for crossing the Allegheny without calling at your house, if it had been any way in my power to have done otherwise. But the *vortex* of business in which I was swallowed up in St. Louis detained me there to the last moment, and when I sat out it was to go by the shortest road to see *one* whom I find inexpressibly dear to me under every circumstance of my life, and thence to this place to attend to my duties. In the spring I shall take your house in my way home, and anticipate a great deal of pleasure from the happiness of being again for some days under your roof. Since coming here I stole a few days (during the progress of a battle in which I found myself a soldier without arms) to go back to Col. McDowell's, where I learnt that you had gone to Norfolk, and would remain there for a month. I also learnt from Mrs. McDowell a circumstance which I regret that I had not known sooner, that is, that you think seriously of going to Missouri, and that some appointment there would be agreeable to you. Two had just been disposed, those of Receiver and Register of the land Office in St. Louis. You could have had either from Mr. Monroe (I am certain) by naming it, and we could easily have made the appointment acceptable to the people.

"I wish you to do me the justice to believe that I shall take the greatest satisfaction in discharging a part of the obligation which your uniform kindness to me has laid me under, by promoting any object that will contribute to your happiness and prosperity; and if any thing suggests itself to you which my present situation would enable me to do for you I hope that you will write to me and command me without reserve.

"The fate of Missouri is not decided, nor will not be until some time in January: the members who inhabit the neighboring states are dispersing at the approach of the Christmas holidays, and a full house is not expected again for some weeks.—I believe that the Resolution * from the Senate will pass.

"Yours truly,

"THO. H. BENTON.

"GOV. PRESTON."

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* This resolution, which passed the Senate on December 11, was for the admission of Missouri, provided that such admission should

"LEXINGTON, VA., March 14th, 1821.

"MY DEAR SIR:

"I owe it to the interest you have taken in a great *affair* of mine to let you know the progress of it. I do this with pleasure and pride because, what I have to say will be both agreeable for me to tell and for my friends to hear. It is no less than, that, long before the drowsy and heedless post boy shall transport you this scrawl, that is to say, in six days from this 14th day of March, which will be Tuesday the 20th day of this same March, (if there is any truth in the almanacs of the Ancient dominion) your friend *Benedict* will cease to belong to the order of bachelors.

"Time, which time puts an end to every thing, has even put an end to my endless courtship, and in the month of May I shall hope for the happiness of imparting a part of my happiness to all my friends in St. Louis, both male and female, by presenting to them *one* who is *everything* to me and I hope will be *something* to them. In the mean while I make, constitute and appoint you, in conjunction with my well tried, much beloved and trusty friend, Jeremiah Connor Esq. to spread this joyful intelligence when and where it shall behove me to make it known.

"Thine

"THOMAS H. BENTON.

"ROBERT WASH, Esq., St. Louis, Missouri."

"LEX., VIR., March 20th, 1821.

"I must take a moment on this *great* day to inform my dear friends at Smithfield that I shall be married this evening. It is indeed a great day to me, for I consider it the first of my life, and the beginning of the only existence which is worth having.

"My dear Elizabeth will set out with me the first week of April, and soon after be at Smithfield, to stay as long as her husband's pressing affairs will permit him to stop, but not so long as her and his wishes would dictate.

"Sincerely, truly, and happily yours,

"THOMAS H. BENTON.

"GOV. PRESTON, Smithfield, Montgomery County, Virginia."

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not be construed as giving the assent of Congress to any provision in her constitution, "if any such there be," which contravened the clause as to the rights of citizens in different States. It failed at once in the House.

"WASHINGTON CITY, Dec. 16th, 1821.

"DEAR SIR:

"We left Missouri 13th Oct. We were all very well there during the summer, Elizabeth better than she had been for several years. We staid two weeks in Kentucky, and left all our friends well there. Mr. and Mrs. McDowell travelled with us from that place. In the Cumberland mountains we were stopped five days by some alarming symptoms in Elizabeth and afterwards travelled slowly to Abingdon, where I left her to proceed leisurely with her father and mother, and I came on in the stage. She has wrote to me several times since, the last from Mrs. Madison's, on the 7th, having left your house the day before. Your mother, wife and family were well, but suffering an excessive solicitude on your account, not having heard from you for a great while. Mrs. Preston expected you might be here, but I have written to her to the contrary.

"I expect to be at Col. McDowell's at Christmas, and again about the first of February. My dear Elizabeth expects to be a mother at that time.

"Nothing essential going on here. The Captain General of all the Floridas * has resigned. A letter from Nashville states he is now bestowing his inconsiderate and intemperate abuse upon his old friend the President.

"Pray write to us, and let us know how you are and when we are to see you.

"Your sincere friend,

"THOMAS H. BENTON.

"COL. PRESTON, Athens, Georgia."

"SENATE CHAMBER, Dec. 22nd, 1822.

"DEAR SIR:

"We arrived here on the 9th ins. myself, Elizabeth and the child. We are very well, but had a narrow escape on the road, the carriage being overturned, and pitched with violence on its broad side down a rocky hill. Happily no one was hurt but myself. I got a cut of four inches on the head which is not yet well.

"The President enquired very kindly after you, and expressed great apprehension for your health in your new situation, and was

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* This refers, of course, to Jackson, who resigned the governorship of Florida in the autumn of 1821 and reached Nashville on November 3.

fully satisfied at your not going to Pensacola last summer, as it would have been a risk to your life, without benefit to the public.

"Messrs. Crawford, Clay and Adams are the persons chiefly spoken of here for the Presidency, and of these three, the two former are deemed to have the best chance by all with whom I converse.

"Nothing of any moment is yet done here.

"Yours most truly & sincerely,

"THOMAS H. BENTON.

"COL. JAMES P. PRESTON."

"WASHINGTON CITY, Dec. 3rd, 1826.

"VERY DEAR SIR:

"I had the satisfaction to receive a few days before I left home, your kind & friendly letter of Sept. 17th and sincerely thank you for such a proof of your regard. It is now eleven years since our acquaintance & our friendship began, and I look to its commencement as an era in my life and one which is full of consolation in *all the consequences* which have flowed from it.

"Placed upon an elevated theatre at this time, and acting some part there, it is a matter of course that I am to be a mark to one side or the other, and it is perfectly agreeable to me that all the abuse should flow from the side it does; in the mean time I go straight forward with my duties, and leave all this posse of hirelings to their own enjoyments.

"The individuals in St. Louis, to whom you hint in your letter, had previously fixed my opinion, and without apparent alteration in my conduct, they are left in a condition to do no harm.

"My election came on last week, and I have not the least doubt of the result.

"My wife and children are in the finest possible health, and, as you will have understood, are now in Virginia. I expect to show them to you at your own house some vacant summer when I do not go to Missouri; in the meantime I hope it will be some additional inducement in your journey to Richmond this winter or spring, to call at Col. McDowell's.

"I send my kindest regards to my *aunt* Preston, and to all your family, and beg you to believe me to be most truly & sincerely, your friend,

"THOMAS H. BENTON.

"COL. J. P. PRESTON, Smithfield, Vir."

"SENATE CHAMBER, May 6th.*

"VERY DEAR SIR:

"Yours of yesterday is just received, and in answer to it I can truly say that I appreciate all your reasons for wishing the place vacated by D. ——† death, and would be happy that you can get it; but if you have no other dependance than my *interest* with the *admn.* and your *own merits,* you are in the condition of the brave Welsh Capt. that applied to the Duke of Ormond for his assistance at the court of Charles the 2nd stating that he had no reliance but on God & his Grace. The answer, probably, you know which the duke gave him; if you do not, it was: that he, the brave Capt. could not have two friends who had less interest at that court than "God & his Grace." So of *me* and your *merits* with this administration. Brief; my application would degrade me and hurt you; but possibly others could do something for you, and as there is no *success* without *trying,* I would recommend you to apply through some administration friends.

"In much haste, yours truly,

"THOMAS H. BENTON.

"COL. J. P. PRESTON, P.M., Richmond Vir."

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* This letter was doubtless written during the administration of John Quincy Adams.

† Name illegible.

CHAPTER X

THE UNITED STATES SENATE IN 1821—RECONCILIATION WITH ANDREW JACKSON—THE PRESIDENTIAL ELECTION OF 1824—EARLY SERVICES IN THE SENATE

BENTON'S career as an actual member of the United States Senate began when he took the oath of office and was admitted to his seat on December 6, 1821, three days after the opening of the first session of the Seventeenth Congress. He and Barton drew lots for terms of office, and Benton drew the longer one expiring the 3d of March, 1827. As they had been elected by the Legislature in the autumn of 1820, during the Sixteenth Congress, some have thought it doubtful whether either was entitled to sit for six years after March 4, 1821, but the question does not seem to have been raised.

The Senate of that day was a vastly different body from what it has come to be in the lapse of some eighty years. Instead of having its files stuffed at every Congress with several thousand measures, hardly as many as two hundred and fifty proposals of all kinds were made. Containing, too, but forty-eight members, barely more than one-half the number now composing it, there were but four—those from Louisiana and from the new State of Missouri—who came from west of the Mississippi River.

Not one of the great triumvirate of Clay, Calhoun, and Webster, which was in a few years to fill the chief place in the popular eye, was yet to be found there; but a number of elderly men of high character and abilities

and dating back to days preceding the Revolution gave it an admirable tone. John Gaillard, of South Carolina, still held the office of President *pro tempore,* to which he was so often chosen, while Nathaniel Macon represented North Carolina and Rufus King still sat as one of the members from New York, in spite of the fact that his politics were by no means those of the majority in that State. William Pinkney was Senator from Maryland at the opening of the session, but died in a few months, leaving the reputation of having made one of the most brilliant speeches ever delivered in that body. Serving but about one term, his great oration upon the Missouri question had afforded Pinkney a splendid opportunity to play upon the imaginations of his hearers and to exhibit his wonderful power of language. His great field was at the bar, but this one opportunity far exceeded any the bar could ever furnish.

In the House of Representatives, William Lowndes was rapidly nearing the deeply-to-be-regretted end of his brilliant career, while the eccentric John Randolph was still to be seen booted and spurred and often fiercely reviling any one who chanced to brush up against his opinions. James Buchanan and George McDuffie were just entering upon their careers in federal affairs as members of the House, while in the Senate Martin Van Buren was doing the same as the colleague of the sexagenarian federalist Rufus King.

Benton wrote years afterwards, when out of public life and near to his painful end, that possibly this was the period during which "the national legislature appeared to the greatest advantage, . . . when the surviving great men of the first generation were still upon the stage and the gigantic progeny of the second were mounting upon it. I came into Congress at that period, and such was the awe and reverence with which the Senate inspired me, that I sat there six years without opening my mouth on

any subject outside of my own State. *O! si sic semper!"* *

Among the men who made a special impression on him were evidently Nathaniel Macon and Rufus King, and to these should be added John Taylor, of Caroline, who came to the next Senate and served for a short time. King's services to the country had been long and varied, and he seems to have been recognized as a sort of father of the Senate. He was one of the few federalists who had managed to keep their hold on public affairs after the ruin of their party, and was the recognized head of those who had succeeded to the bulk of their beliefs.

Imbued with a strong dose of the aristocratic tendencies so characteristic of the old federalists of Hamilton's day, he was, Benton writes in the "Thirty Years' View," "a model of courtly refinement," and always appeared "in the Senate in full dress of short small-clothes, silk stockings, and shoes." Habitually observant of all the courtesies of life and saturated with an absolute conviction as to the vital importance of gentle training as he knew it, there seems to have been about him at first some *hauteur* towards the new member from the "wild and woolly West;" but he was none the less a man of good abilities and high character, and his services both had been for many years and were at this time of high value to his country.

Benton writes that a little system of advances on his part was necessary before he could gain any intimacy; doubtless during this period of probation King's *hauteur* was slowly thawing, and he was waking up to the knowledge that it was possible *rerum natura* for a "gentleman" to come from the far West. But, the ice once broken,

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* Examination of Dred Scott Case, p. 74. Benton's memory is slightly in error as to the length of time during which he was a silent member, except as to bills relating to Missouri.

the new member was admitted to a good deal of intimacy, and was then often in the habit of consulting King as to matters with which he was not himself thoroughly acquainted, while King gladly aided him in these matters and even in the passage of local bills relating to affairs in Missouri.

Advice, too, and on one occasion reproof the younger man received from this Nestor of the Senate, and yet so kindly given as to be looked upon merely as an evidence of regard. It seems that in a speech in the Senate Benton had become much excited and that his manner had grown violent and dictatorial; but the story can best be given in the language in which he wrote of the occurrence to his wife: "Yesterday," he told her on May 21, 1824, "we carried seventy-five thousand dollars for improving the navigation of the Mississippi and the Ohio. I made a good speech, but no part of it will be published. I spoke in *reply,* and with force and animation. When it was over, Mr. King, of New York, came and sat down in a chair by me, and took hold of my hand and said he would speak to me as a father—that I had great powers, and that he felt a sincere pleasure in seeing me advance and rise in the world, and that he would take the liberty of warning me against an effect of my temperament when heated by opposition; that under these circumstances I took an authoritative manner, and a look and tone of defiance, which sat ill upon the older members, and advised me to moderate my manner."

Benton recognized this for real friendship, says that he suppressed the speech in question out of compliment to King, and then adds that he has "studied moderation and forbearance ever since; but candor requires from a biographer the admission that he did not always attain the qualities which he thus studied. A great influence must have been exerted over Benton by a man who could speak to him in this way immediately after a hot-tem-

tempered speech; and I judge from some remarks in the "Thirty Years' View" that it was partly King's influence which led him, Democrat though he was, to feel that admiration for Alexander Hamilton which I could not at first understand in one of his general beliefs, who had lived so near to Hamilton's time.

But far more impression was made upon him by Nathaniel Macon, who was in many ways the antipodes of King. A Democrat in the very best sense, absolutely devoid of that rigidity which keeps a new-comer at a distance until his pedigree and gentility have been proven by competent evidence, a man of the very highest character and of good abilities, Macon had for many years rendered disinterested and most valuable services to his country.

When a student at Princeton, he volunteered as a private in the Revolutionary army, refusing to apply for a commission which his birth and position would easily have secured for him, and he remained in the ranks till nearly the end of the long war. He took no pay for these services in the army and in later life repeatedly refused to accept executive appointments to lucrative offices, even while devoting his time to such positions as justice of the peace, and he always preferred to hold no place to which he was not elected by his fellow-citizens. He never asked place for any of his kith or kin.

Serving a number of terms both in the House and Senate, he was a constant attendant at the daily sessions and often spoke shortly and to the point. Possessed, too, of very strong opinions, he was bold in asserting them and in the maintenance of what he believed his rights. As he held that Congress expired at midnight of the 3d of March, he regularly put on his hat and went away at that hour, refusing to be induced to stay by the prevalent subterfuge of turning the clock back or stopping it. Often chosen Speaker, he thought that he still had a constitu-

tional right to vote as a member of the House, and by his own sheer will forced the counting of his vote in a case where the rules of the House did not allow one to the presiding officer.

On another occasion, when Speaker, he was assigned an unimportant position at some ceremonial; but, being of opinion that the Speaker was entitled to a higher degree of precedence, he simply took the place he thought he should have. A man of peaceful methods, he did not hesitate for a moment to draw his knife in a theatre and aid to protect his friend John Randolph, who had been attacked by some army and navy officers for a speech in Congress. Yet, despite his close friendship for Randolph, Speaker Macon at once left him out of the chairmanship of the Committee of Ways and Means when Randolph had put himself in opposition to the administration of Jefferson. The latter was Macon's ideal of a statesman, but he thought that even the purity of Jefferson's administration did not last to the end.

He disapproved of the acts for the benefit of surviving officers and soldiers of the Revolution, thinking them wrong in principle, and voted against them all—even against that for Lafayette—and persistently refused himself to take any advantage under them. He was bitterly criticised for voting against acts for the conduct of the War of 1812, after having advocated the declaration of war, but his answer was that the acts in question were all loaded down with amendments which were utterly improper and which he would not be driven to support.

During the recesses of Congress Macon lived in great simplicity on his plantation in North Carolina and, until advancing years prevented, regularly worked in the field at the head of his slaves. He had made up his mind that he would retire from public life at seventy years of age, and, though in full possession of his powers at that

time, persisted in his determination, against the advice of many friends, saying that his mind was still good enough to tell him the wisdom of quitting office before his mind quit him. And when the end came, he had his body buried on a sterile ridge and the place covered over with broken flint, because no one would want to plough in such a place or to use that stone for building.

Macon was perhaps a little narrow, and it must be conceded that his rigid adherence to principle placed him at times in impracticable positions; but a few such men in a public assemblage are of incalculable use in restraining the actions of the vast mass of mere expediency members. His integrity and honor were far above question, his boldness and bravery in everything were most marked, and he had opinions on all subjects which he asserted and forced by his determination into effect. No one can doubt that he made a very deep impression for any one man to make on our public affairs, and it is equally clear that his striving was always towards the best interests of his country. Men of his particular cast do not often have successful public careers, but most of us have known some in private life possessing many of his traits. They are generally farmers or planters, and probably the simplicity of such characters is not to be found in those who come from crowded cities. Small wonder that Jefferson always spoke of him as "the last of the Romans."

John Taylor, of Caroline, was another man of like character, and Benton speaks of him admiringly; but they were in Congress but a short time together, and I do not think there can be any doubt that Macon had far more influence upon him than any one else. Taylor and Macon were close friends as old men, and Benton writes that the former always appeared in the Senate dressed all over in a uniform suit of "London brown" cut in a fashion of former times and with a beaver hat of broad brim; he wore also fine white linen and supported him-

self on a gold-headed cane. Macon, too, indulged in fine linen, a cambric stock, and a fine fur hat with a brim, while his outer clothes were always cut in the fashion of Revolutionary times from cloth of superfine navy blue—the old suit ever discarded, before it became shabby, and replaced by another one like it. He wore boots with the pantaloons inside the boot, on the ground that leather was stronger than cloth.*

It must have been Macon's example and opinion that set Benton against asking for office for any relative. This idea of public propriety was to some extent shared by President Monroe, but it is likely that Benton derived it chiefly from Macon, with whom he was so much more closely associated. From the same source, too, came the inspiration to his long-fought battle against the tax on salt as sacrilegious, and the like is the case as to his general disapproval of the West Point Military Academy, and particularly of its effect in almost totally preventing the promotion of deserving men from the ranks.

John Randolph, of Roanoke, too, was among Benton's intimates in Congress, but I can not see any influence from his opinions, though Benton often in later life coupled Randolph's name with those of Jefferson, Madison, and Macon, and was fond of writing that he had been bred in their school and that of "all the fathers of the Republican church." As to the men of his own age with whom he was intimate, he writes that at his first term he sought and occupied the same mess in Washington with Philip P. Barbour, James Barbour, William Pinkney, John S. Barbour, John Floyd, of Vir-

* My account of Macon is drawn chiefly from the View, i., pp. 114–118, and from a sketch of him in the *Democratic Review,* i., pp. 17–27. See also a rather less appreciative notice, by William E. Dodd, in the American Historical Review, vii. (January, 1902), p. 633, etc., and his Life very recently published by the same author. For Taylor, see View, i., pp. 45, 46.

ginia, and David Trimble and Clay, of Kentucky. But Robert Y. Hayne, who came to the Senate in 1823 from South Carolina, was the nearest of all the Senators to him, and Benton always had a sincere admiration for him.*

One other member, who came to the Senate in 1823, must also be mentioned, for not only had he already been an intimate friend and then a bitter enemy of Benton, but the general agreement of their views as to public affairs was such as led gradually to the healing over of their differences and to the cementing of at least a political union which came in a few years to be very close. Andrew Jackson took his seat as Senator from Tennessee early in December, 1823, and he and Benton were almost at once thrown together in a way which forced them to act unitedly. Jackson did not arrive until a few days after the opening of the session, and he took a chair next to Benton—possibly there was no other vacant one available.

"Well," exclaimed Benton, in one of his letters of this period, "how many changes in this life! General Jackson is now sitting in the chair next to me. There was a vacant one next to me, and he took it for the session. Several Senators saw our situation, and offered mediation. I declined it upon the ground that what had happened could neither be explained, recanted, nor denied. After this, we were put upon the same committee. Facing me one day, as we sat in our seats, he said to me, 'Colonel, we are on the same committee; I will give you notice when it is necessary to attend.' (He was chairman, and had the right to summon us.) I answered, 'General, make the time suit yourself; it will be convenient for me to attend at any time.' In committee we did business together just as other persons. After that, he asked me how my wife was, and I asked him how his was. Then he called and left his card at my lodgings—Andrew Jackson for Colonel Benton and lady; forthwith I called at his and left mine—Colonel Benton for General Jack-

* View, i., pp. 154, 182, 680; ii., 188, 202, 203; C. G., vol. xiii., part 1, 1836–37, pp. 890, 893.

son. Since then we have dined together at several places, and yesterday at the President's. I made him the first bow, he held forth his hand, and we shook hands. I then introduced him to my wife, and thus civil relations are perfectly established between us. Jackson has gained since he has been here, by his mild and conciliatory manner."

According to Parton, Benton's brother Jesse never quite forgave Thomas for making up the quarrel with Jackson, and wrote more than one savage diatribe against the general, charging him, among many crimes and meannesses, with cringing to his former enemies. It seems that Jackson, at about the time of his reconciliation with Benton, composed several other quarrels of his more stormy earlier years.*

All this time Jackson carried a painful reminder of his encounter with the Bentons in the shape of a bullet lodged in his shoulder. It is said that their hostile meeting was never referred to between them until years had elapsed and they had passed shoulder to shoulder through many a desperate political encounter, and both had found the other as true and powerful a friend as upon the former occasion a dangerous enemy.

After the close of Jackson's stormy Presidency, the very last night he spent in Washington, the two men did drift into a talk and explanation of the subject, and found that their hostility had been owing to misunderstandings as to each other's conduct, brought about largely by the tales of busy carriers of gossip. Probably men who have had bitter contests and then become friends again, hesitate to speak upon the subject, fearing half unconsciously that they cannot trust themselves; and it must indeed have been a solemn moment, when these two iron-strong characters found themselves involved in

* Parton's Jackson, i., p. 392; iii., pp. 44, 48.

such a conversation after all they had gone through together.*

During the Presidential campaign of 1824–25, Benton was not at first a supporter of Jackson, and early in 1824 he had written his brother Samuel that he thought either Clay or Crawford would be elected. It seems that Adams was hardly considered in Missouri, and, after Crawford's failure in health, the contest in that State narrowed itself to one between Clay and Jackson. Benton is said to have supported Clay warmly, and was later charged with having denounced Jackson as a very unfit candidate.

Missouri's popular vote was cast in favor of Clay for President and Jackson for Vice-President, but no candidate had a majority, and the election then devolved upon the House of Representatives. Under the constitutional provision, Clay was dropped as the lowest of the four candidates and the choice lay between Jackson, Crawford, and Adams. There was a vast deal of dickering during the winter, and the Missourians and other supporters of Clay in the popular election were in a position of great influence, for the actual choice lay in their hands. Clay, as is well known, supported Adams, while Benton is said to have at first canvassed for Crawford in the election in the House. But Crawford's health was so broken that he became impossible as a candidate, and Benton came out in favor of Jackson about the end of January. In so doing, he broke away from Clay, as Parton says, and here was doubtless the beginning of that separation between these two men which continued to widen for many years.

Benton's view is said to have been that Jackson was clearly the preference of the West, and he refused to aid

* See generally Parton's Jackson, iii., pp. 47, 48, and Sketch of Benton in the *Democratic Review*, vol. i., pp. 83–90, October-December, 1837.

in frustrating the wish of the section which had trusted him. Though he had of course no vote in the election by the House, he had, as John Quincy Adams says,* a "screw upon Scott," who was the representative from Missouri.

As each State cast a single ballot, Scott's power was enormous, for he alone was to cast the vote of Missouri, and he had therefore the same voice as the thirty-four members from New York. He was naturally much sought after, and, when he called on John Quincy Adams on January 21 and 22 to talk over the situation and to suggest some of his ideas as to the patronage of Missouri, he evidently found that gentleman's puritanical blood quite warmed by the influx of a candidate's hopes. At these interviews Scott said that he expected to vote with the other Western delegations (by which he evidently meant in favor of Adams), but added that he should incur great opposition for it in his own State. He urged Clay for the Cabinet, and was met in an accommodating spirit, and on the second day explained that he had had no idea of making conditions and that his mind was not yet fully made up.

He was evidently strongly urged by Benton and doubtless others to vote for Jackson, and seems to have hesitated until nearly the last minute; but on Saturday, February 5, wrote Benton, "notwithstanding the conversation we had on Thursday evening and on Friday, from which you might justly conclude that I would not vote for Mr. Adams, I am now inclined to think differently, and unless some other change in my mind takes place, I shall vote for him; I take the earliest opportunity to apprise you of this fact, that you may not commit yourself with friends on the subject." To this Benton replied as follows:

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* Diary, vi., p. 507.

"SENATE CHAMBER, Feb. 8th, 1825.

"SIR: I received on the morning of the 6th instant your note of the 5th, in which you make known to me your intention to give the vote of Missouri to Mr. Adams.

"Sinister rumors, and some misgivings of my own, had been preparing my mind for an extraordinary development; but it was not until I had three times talked with you, face to face, that I could believe in the reality of an intention so inconsistent with your previous conversations, so repugnant to your printed pledges, so amazing to your constituents, so fatal to yourself.

"The vote which you intend thus to give is not your own—it belongs to the people of the State of Missouri. They are against Mr. Adams. I, in their name, do solemnly protest against your intention, and deny your moral power thus to bestow your vote.

"You have been pleased to make a reference, in one of your conversations, to my personal wishes in this election. I now reiterate that I disdain and repel the appeal; and again remit you to the exalted tribunal of honor and duty.

"For nine years we have been closely connected in our political course; at length, the connection is dissolved, and dissolved under circumstances which denounce our everlasting separation.

"For some expressions which you felt as unkind, in our conversation on Sunday, I ask your pardon and oblivion. I have a right to give you my opinion on a point of public duty, but none to inflict a wound on your feelings, and, in this unexpected breaking of many ties, there is enough of unavoidable pain, without the gratuitous infliction of unkind words.

"To-morrow is the day for your self-immolation. If you have an enemy, he may go and feed his eyes upon the scene; your former friend will share the afflicting spectacle.

"With sincere wishes for your personal welfare, I remain,* &c.,

"THOMAS H. BENTON."

Scott carried out his intentions, and on the day following cast Missouri's vote for Adams, who was chosen on the first ballot. Scott was not again elected to Congress, and probably his action in this matter broke his political career. Adams's Diary shows that its author found—as he did so often when any of his contemporaries opposed

* These letters and my account of the election in the main are from Parton's Jackson, iii., pp. 61–66.

him—a plot deep laid in villainy in these efforts of Benton to prevent Missouri's vote from being cast for him, and he dilates * more than once on the dicker which he thought was the cause of Benton's very natural action.

Adams's idea is that Jackson and Calhoun, having decided to join forces, induced their friend Poinsett to recommend Benton (as he did late in Monroe's term) for minister to Mexico, and that as the price of this Benton was to come out for Jackson. It seems to me very unlikely that Benton, who had already gained some prominence in the Senate, should have wanted to give up his seat and accept the mission to Mexico, but naturally his support of Jackson after their violent quarrel at Nashville led to comment.

He was charged with having said in a public speech in Missouri that, if Jackson were elected, it would be necessary to legislate in Congress "armed with pistols and dirks" for defence, and placards containing this alleged speech were at subsequent periods posted up in Missouri and in Washington. This charge led to a sharp personal encounter in the Senate in 1832 between him and Clay, which will be referred to again later.

It is evident that Benton became soon a man of influence in the Senate. At his first session he was a member of the committees on Public Lands, Indian Affairs, and Engrossed Bills, and for a time of that on Military Affairs by appointment to fill a vacancy; and in the very next or Eighteenth Congress was chairman of Indian Affairs and a member of the Committee on Military Affairs. He continued a member of Indian Affairs until the second session of the Twenty-second Congress (1832–33) and was its chairman until the second session of the Twentieth Congress (1828–29), when he was appointed chairman of Military Affairs.

* Diary, vi., pp. 485, 507, 522.

THOMAS H. BENTON, ÆT. ABOUT 35.

From a painting by Wilson Peale, in the Missouri Historical Society.

He held this latter important chairmanship without intermission from 1828 until the close of the Twenty-sixth Congress (March 3, 1841); after which time the Whigs, who then came into power, did not, of course, appoint him chairman, but continued him on the committee; and he was reappointed at the head of the committee as soon as his party again secured control of the Senate in 1845. This was the Twenty-ninth Congress, and he was appointed to the same chairmanship at the second session of the Thirtieth Congress, but was excused at his own request. The reason he was unwilling to serve was that the War Department was then under the charge of William L. Marcy, with whom he had had a quarrel concerning the court-martial of Lieutenant-Colonel Frémont.

In addition to this very important chairmanship, he was in the Twenty-fourth Congress (1835–37) appointed a member of the Finance Committee,—doubtless as a result of his prominence in the contest with the United States Bank,—and except during the years 1841 to 1845, when the Whigs controlled the Senate and dropped him, he remained a member of this committee until 1847. In the Thirtieth and Thirty-first Congresses (1847–1851) he was a member of the Foreign Relations Committee, but in the last-named one—the last during which he served in the Senate—he was on no other committee; and it will be seen later that by that time his power as a party leader was much broken and his position one of a good deal of isolation. He thus served for the long term of twenty-six years on the Committee on Military Affairs, and was its chairman for thirteen years; was on Indian Affairs for fifteen years, and on Finance seven, and Foreign Relations four years.

In his very first session he voted as one of a small minority of five against the Cumberland Road Bill, which Monroe vetoed. He says that it passed almost without

discussion,* and that, though he saw at the time many objections both constitutional and of expediency, he had felt that as the youngest Senator from the youngest State it was not becoming for him, "fresh from the prairies of Missouri, to harangue the conscript fathers of the republic upon constitutional law, so he said nothing." When the vote was taken, he was the first to answer Nay, and he was later much pleased to find that after the veto the measure did not even receive a simple majority. He calls this bill the "Gate Bill," and his opposition was largely based on the fact that it proposed to erect and maintain toll-gates and to encroach greatly upon the States as to policing and administering the road.

He was not opposed to all public improvements by the federal authority, but was altogether against the vast extension of the principle advocated under Adams; and he thought it should be confined to a comparatively few instances plainly of great national benefit. In such cases he held that there was the power to build roads or canals in a State, but that the road should be left after its completion to the States to keep in repair and to police properly. Otherwise, the federal authorities would necessarily be in frequent conflict with those of the State as to the proper guarding of the road, and citizens would be subject to be dragged into the United States courts, and even to Washington, over petty quarrels as to toll and other questions with those in charge; and at the same time it would be impossible for the federal authorities to keep the road in proper repair, except by maintaining a large force of men to watch every minute detail of wear or injury. In this latter connection he pointed out how, by the absence of such a provision, the maintenance

* C. D., vol. iv., part 1, 1827–28, pp. 717–723. See also View, i., p. 22, etc.

of the Cumberland Road had been very costly and Congress was called upon to make frequent appropriations of large sums for the purpose.

But, subject to the condition mentioned, he approved of the general government's making certain public improvements of great national use, and he urged on more than one occasion the completion of the Cumberland Road itself, and complained of the great slowness with which it was laid out, and how it was made at times a sacrifice to the various schemes for the distribution of public money among the States.*

And in 1847, in a letter to the Chicago convention to promote the lake and river navigation of the West, he showed that he had early advocated the Chicago Canal as a means of connecting the Mississippi River with the Great Lakes, and expressed his general views on internal improvements as follows: "I have always been a friend of that system, but not of its abuses, and here lies the difficulty, and the danger, and the stumbling-block to its success. Objects of general and national importance can alone claim the attention of the federal government, and in favor of such objects I believe all the departments of the government are united. Confined to them, and the Constitution can reach them and the treasury sustain them. Extended to local or sectional objects, and neither the Constitution nor the treasury could uphold them. National objects of improvement are few in number, definite in character, and manageable by the treasury; local and sectional objects are innumerable, and indefinite, and ruinous to the treasury."

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* C. G., vol. iv., part 1, 1827–28, pp. 717–723. Ibid., vol. xii., part 4, 1835–36, pp. 4638–4640. Ibid., part 2, p. 1388. The letter to the Chicago convention is printed in Henry G. Wheeler's History of Congress, vol. ii., pp. 415–418, and in Niles's Register for July 17, 1847, vol. lxxii., pp. 309, 310.

He called attention also to the fact that he had twenty-five years earlier succeeded in including for the first time the Missouri River in a bill for the improvement of the Western rivers, and five years later had secured an appropriation for a survey of the rapids of the Upper Mississippi, so that, " on the important items of the Chicago Canal, the Rapids of the Upper Mississippi, and the Missouri River, I was among the first to propose to include them within the circle of internal improvements by the federal government."

During the first Congress in which he served, he was the means of repealing * what was known as the Indian Factory System, which had been established on Washington's recommendation, and consisted in the United States government's conducting the trade with the Indians and trying to repay itself from the sale of furs, etc., taken in exchange. Benton had seen the evils of this system in Missouri and how both the Indian and the government were cheated, and he introduced a bill for its repeal, and, though nearly a new member, succeeded in carrying the repeal after the measure had been on the statute-books a quarter of a century and after he had failed entirely to interest in its repeal Calhoun, to whose department it belonged. And during the next Congress he persuaded General Clark, then Superintendent of Indian Affairs at St. Louis, without authority, to make a treaty with certain Indian tribes for their removal west of the Mississippi, on Benton's mere assurance that the Senate would ratify, as it did.

These measures have lost their interest to men of modern times, but were important then, and particularly the removal of the Indians was a measure of great moment to the Western States. Both instances are worthy

* View, i., pp. 20, 21.

of mention here to show the influence already acquired by Benton at so early a date after entering the Senate.

The method of conducting the presidential election was a matter of much discussion in the early days of the century and particularly in the latter part of Monroe's second term, when the election of 1824 was coming on and there were four prominent candidates in the field. In this matter also Benton took an important part, and in the Eighteenth Congress, on December 11, 1823, introduced a proposed amendment. Other proposals more or less similar were made and were referred to a committee and later discussed; and in the next Congress, after some of the objections to the existing system had been emphasized during the election of Adams, the subject was again considered and many suggestions made. These were all referred to a select committee of which Benton was chairman, and he made a most elaborate report upon the subject.

The system he advocated and which was proposed in the amendment to the Constitution he submitted at that time required that the elections should be held by districts. Each State was to be divided into as many districts as it had senators and representatives, and each district was to cast one ballot separately. In case no candidate had a majority, a second popular election was to be held at an early date between the two highest candidates in a similar way, and there were certain other provisions not necessary to go into here.

The elimination of the cumbersome and useless system of electors, and the extension of popular influence by each district having a separate vote instead of each State voting as a unit (as is now universal), and by the provision for a second popular election in case of there being no choice on the first trial, were the advantages aimed at in this plan. The proposal did not succeed, but Benton continued to think it desirable and introduced very

much the same amendment again in 1835 in the Twenty-third Congress and in 1844 in the Twenty-eighth.*

He rendered an important public service in 1824–25 in regard to laying out a road through the vast region stretching from the borders of Missouri to New Mexico. Since Mexico's independence quite a trade had grown up between St. Louis and what was then known as the "Western internal provinces of Mexico," and their gold, silver, furs, and mules were exchanged for our manufactured cottons and other goods, which, as Benton said, had been "previously brought down the Ohio from the Atlantic ports and factories, . . . and bore the stamps of Arkwright and Waltham."

Adventurous Western pioneers made long trips as far as the ancient "Sea of Cortez" or Gulf of California, but they were much hampered by the Indians, who often ambushed the caravans and killed numbers of the traders. Benton wanted to encourage this trade, and at the session of 1824–25 introduced a petition from Missouri upon the subject and had it referred to the Committee on Indian Affairs, of which he was chairman.

In due time he reported a bill to authorize the President to mark out a road from the borders of Missouri to the boundary-line of the United States "in the direction of Santa Fé" after obtaining the consent of the Indians, and thence with the consent of Mexico to the frontier of New Mexico. On January 25, 1825, he spoke upon the subject in the Senate and explained the provisions of the bill. It is evident that he was very conscious of the difficulties in his way, and he had most carefully searched for precedents for such roads and found a number, which he cited.

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* A. of C., 18th Cong., 1st Sess., pp. 32, 100, 160. C. D., vol. ii., part 1, 1825–26, pp. 16, 51, 52. Ibid., vol. ii., part 2, appendix, pp. 120–131. Ibid., vol. xi., part 1, 1834–35, pp. 216, 217. C. G., 28th Cong., 1st Sess., pp. 686, 687. View, i., pp. 37–41.

The chief difficulty was as to that part of the road which must run through a foreign country, and on this point he was able to quote a case of a road built in Jefferson's time. On Christmas day, 1824, he had visited Jefferson at Monticello and "felt for four hours the charm of his bewitching talk." In his speech Benton told the Senate of this visit, and said "the individual must manage badly who can find himself in the presence of that great man and retire from it without bringing off some fact or some maxim of eminent utility to the human race."

Their conversation had turned on roads, and Jefferson had spoken of one laid out during his last term from Georgia to New Orleans and traversing some two hundred miles of Spanish territory. He had also said that there was a manuscript map of this road in the Library of Congress, and Benton looked this up on his return to Washington, and at the very end of his speech held up a great folio, opened it, and exhibited the map with a blue ink line to show that part of the road passing through the dominions of Spain. "With this triumphant precedent," he said in closing his speech, "I leave the fate of the bill to the wisdom and to the justice of the Senate."

The measure passed both Houses by good majorities, was signed by Monroe on March 3, 1825, and was early carried into execution by John Quincy Adams. Benton writes in the "Thirty Years' View" that the road was marked out and has remained a thoroughfare of commerce ever since between Missouri and the Western internal provinces. Very valuable it undoubtedly was, but it seems not to have been laid out all the way, and some mistake was made by the commissioners in treating only with one tribe of Indians, so that traders continued to be molested by other tribes * at certain parts of the route.

* C. D., vol. i., 1824–25, col. 6 and 341–348. View, i., pp. 31, 41–44, 88. The Old Santa Fé Trail, by Colonel Henry Inman, p.

The Panama Congress was a favorite measure of Adams's time, and there was such a glamour about it that one need not wonder how completely the country and many public men were at first swept on to its support. In the days when the Holy Alliance in Europe was jealously guarding against the spread of popular ideas and was undoubtedly considering the question of restoring her American colonies to Spain, there was indeed grandeur in the thought of a sort of Amphictyonic Council of the Republics of the New World coming together at the Isthmus between North and South America to concert measures for their interest and to resist aggression from the powers of absolutism.

Clay's imagination was quickly carried away, and the administration of which he was a leading spirit soon urged that the great republic of the North should send its emissaries. The country took up the cry and members of Congress generally approved, while those who dared to stand in the way or even to discuss were violently abused in the public prints. Benton was at first blush in favor of the measure, and said that, if he had spoken early in the debate, he would have been on the affirmative side; but the discussion convinced him to the contrary, and he made the last speech against it. His view was that the proposed meeting was nondescript, that there was no proper information as to the subjects it intended to discuss, that its proposals might become very embarrassing to us, and that there was clearly in it an undercurrent of hostile designs upon Spain as to Cuba and Porto Rico,

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44. Captain Hiram M. Chittenden, in his American Fur Trade of the Far West (ii., pp. 532–534, and see pp. 509, 510), says that the surveyors, in order to avoid the perils of the Cimarron desert, laid out the road by a route which was by no means the shortest; but the traders, with their American impatience of delay and roundabout ways, refused to follow this route and chose instead to take the short cut and run their chances of the risks of the desert.

so that we might find ourselves led very far from that neutrality which we had always aimed at.

The measure was carried and the delegates appointed, but the whole conference ended in nothing. At the first meeting at Panama our delegates did not so much as attend, and the adjourned meeting fixed for the next year near the City of Mexico never even assembled, so that John Sergeant reported upon his return the final collapse of the whole experiment.

Some will of course think that the opposition to this scheme was based on mere partisanship; but, though this motive must always have a hand in the moves of party government, yet there is no reason to doubt that Benton and other opponents were actuated by higher ideas of what was good for the country. He and Adams were far from friends, and Adams's Diary shows that its writer soon conceived a violent dislike for Benton, which the latter no doubt returned. He said later that during Adams's Presidency and the latter part of Monroe's his recommendation to office was of no effect, and adds that Adams always appointed men of his own party and bestowed rewards of patronage on those members of Congress who supported the Panama Mission.*

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* C. D., vol. xi., part 1, 1834–35, col. 374; C. G., 26th Cong., 2d Sess., p. 219. View, i., p. 66. Benton's speech against the Panama treaty is to be found in C. D., vol. ii., 1825–26, pp. 304–341. See also View, i., pp. 65–69.

CHAPTER XI

LONG STRUGGLE FOR THE REPEAL OF THE SALT TAX—THE PUBLIC LANDS AND HIS EFFORTS TO MAKE THEIR ACQUISITION EASY—PRE-EMPTION, GRADUATION, HOMESTEAD, CESSION—FLORIDA ARMED OCCUPATION LAW—DISTRIBUTION OF THE SURPLUS AMONG THE STATES—POLITICS OF THE TIME—DEBATE ON FOOT'S RESOLUTION, AND BENTON'S SHARE THEREIN

No life of Benton would be complete without an account of his long-continued struggle for the repeal of the tariff on salt. It has been said already that he derived the inspiration to this effort from the opinions of Nathaniel Macon, but he took the question up from his own stand-point, studied the whole subject in its commercial and other relations most carefully, and made elaborate and instructive speeches upon it time and again during the term of at least sixteen years.

His efforts to secure a repeal of the duty were not successful, and there was still a tariff levied upon salt at the end of his career, but early in the struggle, in the year 1830, an act was passed reducing the rates by one-half. His motion at this session was to repeal the duty absolutely, and the bill he introduced is also noteworthy * as very clearly involving the principle nowadays called reciprocity, for it proposed not only to repeal at once and absolutely all duties on salt, but contained also provisions for the reduction of the rates on a large number of specified articles, not produced in the United States, in favor of such countries only as should thereafter enter into treaties

* C. D., vol. vi., part 1, 1829–30, p. 172, etc.

granting us similar rights. And these reductions were only to go into effect upon the proclamation of the President, when he should be satisfied that the particular country had granted us "equivalent advantages."

Benton said that his measure was a novelty in this particular, and that it called for the abolition or reduction of duties by the "joint act of the Legislative and Executive Departments." He withdrew his proposal later because of an objection that it raised duties in some cases, and therefore ought to originate in the House. So far as I know, this was the earliest suggestion in our history of "reciprocity," but the principle does not seem to have been strongly urged by Benton at any time, though he will be found once again suggesting it some ten years later.

The duty on salt had originated in the year 1789, and the rates had been raised by several later acts, but in 1807, during Jefferson's second term, these laws were repealed and salt went upon the free list. But in 1813, when the country was in great straits for money to carry on the war, a tax was again put upon salt, expressly limited to last for one year after the war and no longer. This term was, however, not over before the tax was continued without express limitation, and then numerous acts were passed at different periods increasing the rate. Under the acts prior to 1807, moreover, a rebate had been allowed upon the export of articles cured in salt, but in 1813 this provision was renewed only as to fish,—for the purpose, as some maintained, of encouraging the development of a hardy class of seamen. The result was that the Western exporters of bacon and other meats did not have the benefit of the rebate granted the New England exporters of fish.

There was also another difficulty. The salt manufactured in this country was almost entirely made by boiling salt water, and in this process became impregnated

with slack and bittern, while there were large quantities of a much purer "alum salt" made in the tropics by evaporation of sea-water by the sun. The former was entirely unfit for use in preserving meats, butter, and other delicate articles; and the Western producers were absolutely compelled to use the alum salt for these purposes, cost what it might. This was a serious burden, as the rates were very high, and it was claimed that, after taking into account all charges, the tax on the purer grades was as high as four hundred per cent. It is by no means surprising that the West complained of this, while they saw the New England fishermen more than recouping themselves by a bounty on exports, and the Western members naturally strove hard to effect an amelioration.

Benton insisted that, were it not for the tariff, salt would be largely imported as ballast; and that the provisions of the law as to the mode of payment of the duty led to the trade falling into the hands of "a race of regraters in the seaports, and monopolizers in the interior" who then fixed the price. He said the import price of sun-made salt ranged from three to nine cents per bushel, and that the result of existing legislation was that it actually sold in the seaports at from forty to fifty cents per bushel, while in the interior, after the addition of intermediate profits, the price was about one dollar. And he insisted that a great wrong was done to the Western farmer by thus hampering his ability to export beef, pork, bacon, and other products by a tariff levied for the benefit of a few producers of a very inferior article.

Harrison, of Ohio, made an effort in the session of 1827–28 to lower the duty, but without success, and I have been unable to find any evidence that Benton took part on this bill. But between 1830 and 1846 he was engaged upon the subject at least as often as eight separate times and in several different forms. In some of

these instances he sought the repeal of the duty generally, while at other times he aimed to make the repeal apply only to the duties upon alum salt, which was the higher grade necessary to his constituents in preserving provisions. Some of his bills included the repeal of the fishing bounties, while others omitted any mention of them; and on one occasion he moved a resolution that the Finance Committee—of which he was then a member—should be instructed to inquire into the expediency of reducing the drawbacks on salt allowed to fishermen in proportion to the reduction which had been made in the duty on salt.

One of the gross evils of the situation is shown here, for though the tariff on salt imported had been reduced by half in 1830, yet the export bounty was not reduced at all. The fishing interest of New England met all his bills with the most persistent opposition, for they well knew that the reduction, let alone the abolition, of the salt duty was pretty sure in a short time to shut off the supply of money which they took from the Treasury under the name of a drawback. To one who has lived to witness the stupendous struggles of the tariff beneficiaries of modern days to preserve their often unholy advantages, it is instructive to see how largely the earlier struggles were inspired by the same greed.

Several of Benton's speeches on the salt duty were made upon motions for leave to bring in a bill, but in some instances leave was refused, while other bills went to a committee and there slept. In 1837 a measure did get through the Senate with salt on the free list, but failed in the House. Benton was entirely conscious from the first that it was necessary to create a sentiment upon the subject, and with this in view he early wrote to a large number of persons throughout the country, sending them questions about salt and its manufacture and uses, and then succeeded—after a struggle—in having the questions and answers printed by the Senate.

Not only did he, moreover, with that industry which was so characteristic of him, study the "six dozen acts of Congress, general and particular, passed in the last forty years" upon the salt tax and the bounties, but he investigated carefully the repeal of the tax in England, and quoted at length from testimony taken there as well as upon the same matter in India. He was thoroughly acquainted with the history of the subject and with the methods of manufacture and the details of the uses of salt, and numbers of his speeches are very complete upon these points, but too full of statistics and of details not of general interest to be quoted with advantage.

He was very deeply in earnest about the matter, and on one occasion in the Senate, during a discussion of the general principles of the tariff, where salt was not at all directly concerned, he threw in an entirely ungermane reference to Aurelian, "the greatest of the emperors that ever reigned upon the banks of the Tiber, and who eclipsed the glory of his own heroic exploits by giving an order to his legions never to levy a contribution of salt upon a Roman citizen!" In the "Thirty Years' View" he wrote that he looked upon a salt tax "as a curse,—as something worse than a political blunder, great as that is,—as an impiety, in stinting the use, and enhancing the cost by taxation, of an article which God has made necessary to the health and comfort, and almost to the life, of every animated being. . . . The venerable Mr. Macon considered a salt tax in a sacrilegious point of view—as breaking a sacred law—and fought against ours as long as his public life lasted; and I, his disciple, not disesteemed by him, commenced fighting by his side against the odious imposition." In one of his speeches upon the subject in the Senate he vituperated against the tax in the following language:

Mr. Benton concluded his speech with declaring implacable war against this tax, with all its appurtenant abuses, of monopoly

in one quarter of the Union, and of undue advantages in another. He denounced it as a tax upon the entire economy of NATURE and of ART—a tax upon man and upon beast—upon life and upon health—upon comfort and luxury—upon want and superfluity—upon food and upon raiment—on washing and on cleanliness. He called it a heartless and tyrant tax, as inexorable as it was omnipotent and omnipresent; a tax which no economy could avoid—no poverty could shun—no privation escape—no cunning elude—no force resist—no dexterity avert—no curses repulse—no prayers could deprecate. It was a tax which invaded the entire dominion of human operations, falling with its greatest weight upon the most helpless, and the most meritorious; and depriving the nation of benefits infinitely transcending in value the amount of its own product. "I devote myself," said Mr. Benton, "to the extirpation of this odious tax, and its still more odious progeny—*the salt monopoly of the West.* I war against them while they exist, and I remain on this floor. Twelve years have passed away—two years more than the siege of Troy lasted—since I began this contest. Nothing disheartened by so many defeats, in so long a time, I prosecute the war with unabated vigor; and, relying upon the goodness of the cause, firmly calculate upon ultimate and final success." *

As has been seen, Benton's efforts upon this subject had at best no more than a partial success at the very start, and some will consider his long struggle a waste of time. This is particularly likely nowadays, when an idea has got abroad that a legislator should not oppose bills which are, in the phrase of the hour, "sure to pass." But there could hardly be a more mistaken belief, and it is one, moreover, which has a distinct tendency to undermine representative government.

* C. G., 26th Cong., 1st Sess., appendix, p. 401. Details as to Benton's efforts upon the general subject may be found at the following references. C. D., vol. vi., part 1, 1829–30, pp. 172, etc., 244, 245, 428, etc. Ibid., vol. vii., 1830–31, pp. 120, etc., 193, 194. Ibid., vol. viii., part 1, 1831–32, pp. 31, etc., 41, 571, etc. Ibid., vol. xiii., part 1, 1836–37, pp. 884, etc., 938, 939, 981. C. G., 25th Cong., 3d Sess., appendix, pp. 135, etc. Ibid., 26th Cong., 1st Sess., pp. 186, 209; ibid., appendix, pp. 177, etc., p. 390, etc., 401. Ibid., 26th Cong., 2d Sess., p. 105. Ibid., 29th Cong., 1st Sess., pp. 190, 538, 539, 1193. View, i., pp. 154, 273.

One of the highest duties of a member of a legislative body is on proper occasions to oppose to the end a measure he strongly disapproves, without regard to the opinions of his associates, and though he may know that, when the vote is taken, he will be in a hopeless minority. It is in this way that public sentiment has often been created, the opinions of a community and of the legislative body completely reversed, and as great a majority finally secured against a particular course of action as originally appeared in its favor.

It will be seen in Benton's career that he frequently opposed bills which had every promise of passing by a good majority; and, though there are numerous instances, like that of the salt tax, where his efforts failed in good part or even entirely, yet others will be found in plenty where his agitation of a subject produced its result and he succeeded in the end in convincing his colleagues and the public that he was right. Having considered an instance of the first kind, it will be well now to take up another one in which his efforts again covered the whole period of his public career and were at first treated with possibly more ridicule than was his struggle as to the salt tax, yet gained gradually so large a measure of success that before the end of his public career not only was much of what he had early contended for accepted, but legislation upon the subject had gone in the same general direction far ahead of what he had at first thought it expedient to advocate.

By virtue of the Louisiana and Florida treaties, and of various Acts of cession made by different States of the Union, the United States were possessed early in the nineteenth century of an enormous area of land which was almost entirely unsettled. The method of dealing with this was a question of immense importance upon which there was the greatest difference of opinion between the inhabitants of the old States and those whose

lot was cast in the rapidly growing communities forming in the ceded or purchased land.

The old States generally—and particularly, for the reasons already shown, those comprising the northeastern part of the Union—felt a profound distrust and jealousy of these newer regions, which were taking off the young men of the older communities and were threatening to acquire a vast power in the federal councils. A great influence was exerted for many years by the desire to curb this growth and its inevitable effect, nor has this feeling even yet died out; but some men were wise enough to look upon the question from a broad stand-point.

George Mason said* in the Federal Convention of 1787 that "if it were possible by just means to prevent immigration to the Western country, it might be good policy," but with the wisdom of a statesman he opposed all efforts to fix upon the coming States any inequality, and went on, "but go the people will, as they find it for their interest; and the best policy is to treat them with that equality which will make them friends, not enemies."

The people in the new regions felt, of course, that they were entitled to the same treatment and rights as the older States, and persistently opposed all measures likely to delay their growth. They were anxious for the passage of laws to facilitate the coming of settlers among them and particularly to make easy the acquisition of land to immigrants, and they inveighed against the policy of considering the vacant lands merely as a money-making asset of the general government.

By the earlier laws, the land was offered at public sale to the highest bidder, and if not bought, could then be taken up by any private person at two dollars per acre, largely on credit. But the credit feature led to a great deal of hardship, and so many lost their lands

* Elliot's Debates, v., p. 492.

through inability to make the later payments, that Congress passed a law in 1820 requiring cash payments, but lowering the minimum price to one dollar and a quarter per acre. Under this law, land which had been offered at public sale at that price as a minimum and had not been purchased, could be taken up in unlimited quantities of not less than eighty acres at private sale.

This was the law when Benton came to the Senate, and there was then no provision whatsoever either for pre-emption, which is a preference or first right to buy at the minimum price, accorded to an actual settler on a specific tract, or for a homestead, which is a right given to any person who actually settles and cultivates to take up and later receive a patent for a tract of ascertained size, without charge other than one calculated to cover the mere expenses of survey and so forth.

It has been seen already that Benton, who lived among a pioneer people and knew their trials as well as their opportunities, had early become impressed with the immense value to them of some landed possessions. The method of leasing on his family tract made, of course, a profound impression upon his ideas, while the history of "Granny White," and her avoidance of the poor-house and attainment of very reasonable comfort after she got a corner of mother earth to cultivate, was indeed a striking lesson; and his knowledge of many settlers who had moved on to the very verge of civilization and there planted their few but, to them, so precious household gods cultivated in him a deep sympathy and made him their friend and advocate all his life long. He says that he does not know how young he was when he became convinced that sales of land by a government to the highest bidder among its own citizens was a false policy, and that the true course was to be found in "gratuitous grants to actual settlers," whose labor would then extract wealth from the soil and add to the strength of the nation.

He had seen or heard of the effects of such a policy in Tennessee from the earliest settlers, who had received free grants from North Carolina, and says that he was already imbued with the principle of "donations" (the modern term *homestead* was not then in use) when he advocated in the Tennessee Legislature the pre-emption rights of certain settlers who were in danger of losing the farms they had partially reclaimed, through the sale of them by the United States to persons more able to make the necessary payments.

When he reached the Senate, he found that the prevailing voice was overwhelmingly against him; and the claimant of pre-emption rights, who had undoubtedly settled on public lands without any strict right, was generally looked upon as a mere squatter and trespasser, rather deserving of prosecution under the criminal law than of tender consideration or free donations. Under these circumstances Benton took the subject up in a few years and tried to arouse public opinion, especially in the new States. His first bill was introduced into the Senate in 1824, and similar ones were again presented by him at subsequent sessions, but for the time without any lengthy speech and without any effort to bring the question to a vote. No doubt he was meanwhile having the subject agitated in the newspapers in Missouri and other States.

The first occasion on which he made an extended speech upon the subject in the Senate was on May 16, 1826, at the first session of the Nineteenth Congress, upon a bill he had introduced similar to his preceding ones, and entitled "a bill to graduate the price of the public lands." It did not contain any provision for pre-emption, but proposed successive annual reductions of twenty-five cents per acre from the then minimum of one dollar and a quarter, until the price should reach twenty-five cents, when the land should be subject to gra-

tuitous donations in tracts of eighty acres; and it contained also apparently a provision that the lands which should not sell at this price in five years should be ceded to the States.

His argument was that, after land had remained unsold at the minimum price then fixed by law for a long period,—which was the case as to large areas,—there was conclusive evidence that it was not worth that price, and that it was absurd to fix the same arbitrary minimum on all land, when there was some far better than others. He contended that his plan would bring in a larger revenue by hastening sales, and thus tend to the extinguishment of the public debt for which the lands were pledged. But, far more important than this, it would tend to the strength and development of the country and would largely increase the class of freeholders, who, in his opinion, constituted its very backbone. "The freeholder," he said, "is the natural supporter of a free government. . . . We are a republic, and we wish to continue so; then multiply the class of freeholders; pass the public lands cheaply and easily into the hands of the people; sell for a reasonable price to those who are able to pay, and give without price to those who are not. . . . *I go for donations, and contend that no country under the sun was ever paid for in gold and silver before it could be settled and cultivated.*"

He reminded his hearers that the early settlements in America had all been based on the plan of giving the land to settlers without any real charge, and he was very fond of quoting in his speeches upon the subject the opinion of Burke, who had introduced into Parliament in 1785 a bill for the sale of the crown lands, and said in the debate upon it:

"Lands sell at the current rate, and nothing can sell for more. But be the price what it may, a great object is always answered,

whenever any property is transferred from hands which are not fit for that property, to those that are. The buyer and the seller must mutually profit by such a bargain; and, what rarely happens in matters of revenue, the relief of the subject will go hand in hand with the profit of the Exchequer. . . . The principal revenue which I propose to draw from these uncultivated wastes, is to spring from the improvement and population of the kingdom; events infinitely more advantageous to the revenues of the crown than the rents of the best landed estate which it can hold. . . . It is thus I would dispose of the unprofitable landed estates of the crown; *throw them into the mass of private property;* by which they will come, through the course of circulation, and through the political secretions of the State, into well regulated revenue."

Benton contended that Washington and Hamilton had in the early days advocated a general system by which land should be made easy of acquirement, and he showed that Jefferson had urged free donations to at least the first settlers in the Louisiana purchase. The Spanish settlements in America, he added, had been made upon the like principle, and, at the very time he was speaking, Canada, Texas, Mexico, the West Indies, and the South American countries generally offered land for gratuitous distribution to immigrants.

In accordance with a method of which he was very fond throughout his life, and which shows how much labor he often bestowed upon the study of public questions, he quoted verbatim a decree of the Republic of Colombia upon the subject and a recent proclamation of the ambassador from the king of Persia to England offering like free grants. He argued also that the ownership by the federal government of large areas within the limits of the new States was highly undesirable, deprived those States of the right to control their own development, and was a source of conflict of laws and jurisdiction; and he desired that early steps should be taken to surrender the public lands to the States within which they lay.

This bill was not pressed to a vote by its author, and

was laid upon the table very soon after his speech and there left. He did, however, print a large edition of the speech and circulated it far and wide, and it will soon be seen that about this time public sentiment in the West was becoming pretty well aroused upon the subject.

Two years later, at the first session of the Twentieth Congress, he again introduced a bill containing similar provisions, and for the first time pressed the measure to a vote. He spoke at length on April 9, 1828, but after quite a debate the bill was lost by twenty-five nays to twenty-one yeas. At the first session of the Twenty-first Congress he introduced still another bill, slightly modified from the former ones, and again made an earnest effort to secure its passage. By this time (1830) there were petitions for the passage of the law from several States and Territories, as well as from large numbers of individuals, and the bill was evidently thought to have a fair chance of success. There was again quite a debate after Benton had spoken as follows:*

. . . Mr. Benton then explained the different sections of the bill. He said that the bill applied, not to the mass or whole body of the public lands, but to that part only which had been offered at one dollar and twenty-five cents per acre, and could not find a purchaser at that price. The quantity of these unsold and refuse lands he stated at about seventy millions of acres, and read extracts from the reports of the registers and receivers of the land offices, to show their quality and average value, and the length of time which they had been in market. These reports showed a large proportion of these unsold lands to be unfit for cultivation, and fixed their average prices at twelve or fifteen cents per acre in some districts, and in others as high as sixty or seventy cents. They showed that most of these lands had been a long time in market, many of them fifteen, twenty, or thirty years, under the laws of the United States; and in the countries acquired by the Louisiana and Florida treaties they had been picked and culled for half a century, and in some instances a whole century, before they came into the hands of the United

* C. D., vol. vi., part 1, 1829–30, pp. 405–407.

States. This was the character and value of the land to which the bill applied; and the idea was altogether erroneous which gave it a wider scope, and made it applicable to the whole body of the public lands. The terms on which the bill proposed to dispose of this unsold and refuse parcel of land was the next point to be considered; and on this head [Mr. Benton said] there were two sets of provisions contained in two different sections and applicable to two descriptions of purchasers. The first set of provisions was open to all purchasers, and offered the lands at annual periodical reductions of price, beginning at one dollar per acre, and falling twenty-five cents in the acre, at the end of each year, until the price fell to twenty-five cents. The second set of provisions, contained in the second section, was intended for the benefit of actual settlers, and gave them a preference over general purchasers. The preference was secured by offering to the actual settler the privilege of buying the land at twenty-five cents less in the acre, at each successive graduation of price. . . .

[After quoting a report which he had had called for by the Senate two years earlier from the Department of State as to the number of freeholders and non-freeholders throughout the country, Mr. Benton stated that the aggregate number of non-freeholders] exceeded one hundred and forty thousand, and ventured to affirm that the like spectacle was not to be seen elsewhere upon the face of the earth; that there was not another country under the wide canopy of heaven in which a government having more land than it could sell, or even give away to cultivators, would deprive so large a portion of its citizens of homes for themselves and families by holding up refuse and inferior land for a price five times and ten times above its value. This was the exact case with the Federal Government. It held about seventy millions of acres of refuse lands in the States and Territories, where these one hundred and forty thousand non-freeholders live, and yet would not let them have an acre of it at its value! Mr. Benton did not speak of the new lands which the government possessed, and which would come hereafter into market; they amounted to hundreds of millions of acres, and would still continue to be sold at one dollar and twenty-five cents per acre; he spoke of the refuse lands only,—those which had been offered at one dollar and twenty-five cents, and can find no purchaser. . . . It was on these that the one hundred and forty thousand non-freeholders were chiefly settled, and where they were losing their time between hope and fear—hoping that the government will reduce the price, to enable them to purchase, and fearing to make any beneficial or valuable improvement, lest it should excite

the avarice of some unprincipled speculator to enter the land over their heads, for the sake of the improvement which had been put upon it. It was a mistake to suppose that this large body of non-freeholders were idle and vicious people, and that it was their vice and idleness which kept them too poor to buy land at one dollar and twenty-five cents per acre. Mr. Benton said that he knew better; he knew this class of people well; he had travelled among them, slept in their houses, ate at their tables, and knew them to be the best of citizens; men who did not think of living upon the public, but upon their own labor; whose object was to cultivate the earth, and to defend it; who were industrious farmers at home, and brave soldiers in time of war; who were hospitable, brave, and honest, and merited the esteem of all good men, as well as the favor and protection of the government. . . . These refuse tracts are not worth the present minimum price. They are not worth what the first choices were, and it is a folly to ask it, as much so as it would be in a butcher to ask the same price for the shanks and necks and offal of his beef as he demanded for the hind-quarter.

The bill was a good deal amended during the discussion, and the clause for free donations to settlers and that for final cession to the States were both struck out upon motions of Woodbury and Hayne, who were in general friends of the measure. These amendments were not opposed by Benton, nor were some of those diminishing the amount of reduction in the prices of the land. The measure as finally put to vote contained the reduced provisions for graduation of the price of lands theretofore offered for sale, and gave a preference to actual settlers. Benton's colleague, Barton, voted for the bill in this shape, though he had opposed the movement in general from the start: he contended that it was as amended nearly the same measure he had in 1828 offered as a substitute for Benton's bill of that year.

The final vote in the Senate was twenty-four yeas to twenty-two nays, the yeas composed exclusively of Southern and Western members and the nays exclusively of those from the New England and Middle States, with the single exception that Woodbury, of New Hampshire,

voted with the majority. The bill went then to the House, but the session was very near its end and the House declined to take it up.

But about this time there came upon the stage a public policy which was destined to gain a strong popular support and which necessarily tended to stop the evidently growing sentiment in favor of Benton's general land policy. This was the scheme for the distribution of the public revenue among the States, which was advocated for a number of years under varying forms. Introduced, as the bills for this purpose were, with appetizing schedules of distribution, which showed in figures the sum of money or the number of acres of land that each State would probably receive as a gift or under the specious guise of a "deposit," it became dangerous for a public man to vote against them, though they were undoubtedly both vicious in principle and very harmful in practice.

Benton says the idea originated * in a bill introduced into the Senate in 1826 by Dickerson, of New Jersey, which proposed to divide among the States, in the ratio of direct taxation, the sum of five million dollars annually for four years, the amount to be taken from the sum intended for the sinking fund. There seems to have been but little debate upon this proposition, and it was soon laid on the table on Benton's motion; but the idea was too catching to be forgotten by politicians, and in a few years was taken up again and became for a time extremely popular.

From the very first, Benton warmly opposed all the proposals, partly influenced, no doubt, by the fact that

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* C. G., 26th Cong., 1st Sess., appendix, p. 87. Dickerson's bill and speech are to be found in C. D., vol. iii., 1826–27, pp. 209–223. Benton's speech against it is not given there, but is quoted by him in C. G., 25th Cong., 1st Sess., appendix, p. 86.

their success was almost certain to stop his land bills, but guided also by his knowledge as a statesman that such a plan of doling out millions to hungry States by Congressional legislation could not be otherwise than grossly demoralizing.

As early as 1829, when the idea had not yet been taken up as a leading measure by one of the great parties, he moved to reduce the surplus by cutting off ten millions of revenue, and foretold that the suggested distribution of the surplus "would attract all eyes and excite universal cupidity. It would draw deputations from cities, towns, and villages, from companies and corporations, from counties, States, and districts, to the feet of the Federal Government, all clamorous for their share of the spoil, all neglecting their own business to obtain it, and all becoming less independent as they received it—like the degenerate Romans, who ceased to be free when they began to look to the public granaries, instead of their own cribs, for a supply of corn. . . . An annual scramble on the floors of Congress for ten millions of dollars would fill our halls with bargains, combinations, intrigue, and corruption."

More than one bill upon the subject became a law, and Jackson recommended the plan in his first message and even signed the Act of 1836 upon the subject. This was the first bill passed under the euphonious name of a deposit, and Benton says that the President was later very much grieved that his signature was at the foot of such a law, and explains that he had acted under the advice of some friends of Van Buren, who feared the political effect of a veto of so popular a measure.

Benton seems never once to have faltered, was one of a paltry minority of six Senators (against forty) who voted against the bill of 1836, and he repeatedly spoke and voted against bills—when there was not the ghost of a chance of defeating them—with a view to educate the

people and thus prevent the plan from becoming permanent. He charged that federal payments actually due were more than once withheld and appropriations necessary to the proper management of public affairs delayed in order to make an apparently large surplus and thus show a tempting mass for distribution; and late in the history of the matter he charged * that the efforts then making were largely inspired from abroad, and that "two lobby members from London . . . had done them the honor to attend at the extra session" of 1841, with the hope of inducing the United States thus indirectly to pay the debts of the States to foreigners, which were then in arrears.

As has been already said, the policy prevailed for a time, and several rich morsels of surplus were doled out to the States; but it was not many years before the federal treasury saw bankruptcy close at hand, if laws then on the statute-book and directing distribution were carried out, and an ignominious retreat had to be called and these laws repealed. The money, moreover, which had been so lavished on the States was by no means devoted to such laudable purposes as paying debts, but was squandered in a thousand extravagant and useless schemes, and was, in Benton's opinion, a positive evil to the States themselves.

In some it led to extravagant plans of internal improvement calling for ever-greater sums, and thus saddled them with a nearly hopeless debt; while in all its

* This was by no means a mere charge. See View, ii., pp. 171, etc., 217. John Quincy Adams was called upon by the bondholders' agent and evidently favored the plan; he had some idea that it was the constitutional duty of the United States to compel the States—he does not say how—to pay these debts, because they might be called upon to defend the States in case of a war made upon us by a foreign country on account of the repudiation. Diary, xi., pp. 288, 315, 317, 320–323, 331.

disposal was attended by the dickering and the selfish designs which seem to be necessary incidents in such cases. Some States even refused for a long time to accept their share of the plunder and censured the authors of the act, and some divided the amount *per capita* among their citizens, when the share of each person was but a paltry sum and "was received with contempt by some and rejected with scorn by others."

The whole history of this once so popular policy is most instructive and ought to be a clear enough lesson to prevent the American people from ever again advocating the raising of money by taxation of the people with one hand and then returning it to them with the other. Benton's course was certainly in a high degree statesmanlike, and his persistent opposition to bills in the face of hopeless majorities must have had a great influence in leading to the final abandonment of the policy.

On January 24, 1833, he complained that those who opposed the distribution schemes had had their votes used against them in the elections: he had himself been re-elected in Missouri, "although it had been carefully spread in all directions that he had deprived her of a gift of five hundred thousand acres of land and two large dividends of money." And on another occasion, when he thought bills of vast importance were shoved aside so as to have the treasury books show a large surplus for distribution, he denounced the measure as "the pestilence of legislation," and said "it was to the business of the Senate what the curse of frogs was in Egypt,"—just as he will be found saying again some years later as to another subject which came to be forever under discussion, in season and out of season, to the detriment of public business and the peril of the Union.*

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* Benton's speech in 1829 foretelling the lobbying that distribution would lead to is in C. D., vol. v., 1828–29, p. 21. For his course

Down to the time when this new plan came upon the stage of public affairs, the efforts of Benton and his associates to amend the land laws had by no means been without success. In 1828 an act had been passed to sell the mineral and saline lands in Missouri, which had all been theretofore withheld from sale and merely leased by the United States, and there was an important act passed in 1830 granting pre-emption to certain persons; but it, as well as several similar laws of the following decade, were only temporary and held out no offer whatsoever to future settlers.

Towards the end of that decade, though Benton had continued to introduce and advocate various measures in regard to the public lands, he was evidently nearly in despair for the time being, and said it would be necessary to wait till the new census should come into operation and augment the power of the Western States. But near the end of the Twenty-sixth Congress, in the beginning of 1841, a bill introduced by him to establish a permanent system of pre-emption passed the Senate by the decisive vote of thirty-one to nineteen, but again failed, on account of the lateness of the session, to be called up in the House for concurrence.

The next Congress was strongly Whig, and to it belongs the credit of having passed the first permanent pre-emption law, but it was surely the irony of fate that the law was put in such a shape that Benton could not possibly vote for it. Its primary and chief object was the distribution of the revenue from land sales among the States, while some of its clauses did enact for the first

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in general on the distribution and deposit plans, see, *e.g.*, C. D., vol. xii., part 2, 1835–36, pp. 1388, 1394. Ibid., xiii., part 2, 1836–37, pp. 100–107. C. G., 25th Cong., 3d Sess., appendix, pp. 28–31. Ibid., 26th Cong., 1st Sess., appendix, pp. 85–93. Ibid., 27th Cong., 1st Sess., appendix, pp. 228–231. See also View, i., pp. 649–658; ii., pp. 39, 417.

time a permanent system by which the actual settler in the future as well as the past was entitled to the first right to buy the public land at the fixed price.

One other law upon the general subject which was pressed by Benton for some years, and with final success, must be considered. When the Indian war in Florida had gone on for a number of years and all organized bands of the savages had been in the main subdued by the army, small roving parties still continued at times to come out from their well-nigh impenetrable hiding-places and make sudden and murderous attacks on small localities.

To prevent this and build up against them a settled area under the protection of backwoodsmen armed with rifles, Benton introduced at the third session of the Twenty-fifth Congress, in 1838–39, "a bill providing for the armed occupation and settlement of Florida," under the provisions of which a bounty of three hundred and twenty acres of land was to be offered to settlers up to the number of ten thousand who should move and live there under certain terms as to stay and military service.

He contended that "armed occupation, with land to the occupant, was the true way of settling and holding a conquered country," and was the way which had been found successful in all history. His bill passed the Senate but was not reached in the House, and was introduced by him again at the first session of the next Congress, but again failed to pass. It met a great deal of opposition from the anti-slavery agitators, who wanted no other reason for voting against a measure to stop the ruthless slaughter of their fellow-countrymen than that it would "have the effect of increasing the slave-holding interest."

At length, in 1842, at the second session of the Twenty-seventh Congress, his efforts met with success, and a bill he had introduced became a law by the President's approval on August 4. In this statute his plan was a good deal amended, but in the main it was his idea. A

bounty of one hundred and sixty acres was offered to settlers who should go and establish themselves, under carefully guarded terms as to residence and cultivation.

Under this act and certain amendments the official records show that one thousand three hundred and seventeen entries were made, aggregating slightly over two hundred thousand acres (the full amount allowed by the act to be entered), and it was the first donation act in our history intended to induce settlements on distant or dangerous parts of the public domain. Its principle has since been applied in other cases, and Benton said in the House on February 27, 1855, that the act was a complete success and rapidly brought to an end the ravages from Indian excursions which had persisted for so many years.

It is not necessary to follow in detail the other acts in regard to the public lands which Benton introduced during the remainder of his public service, but some of them must be slightly noticed. In 1850–51, during the last Congress in which he sat in the Senate, he introduced a bill to graduate the price by successive reductions until it reached twenty-five cents per acre, when it should be ceded to the States; and in this bill he incorporated a provision to *give* outright forty acres to an actual settler and accord him a pre-emption right to one hundred and twenty acres adjoining at a price twenty-five cents below that at which the same land could be purchased by the general public. And at this same session one of his bills for a Highway to the Pacific provided for a donation outright—or "homestead," as it is now universally called—of one hundred and sixty acres to settlers upon the line of the highway.

In 1853–54, at the first session of the Thirty-third Congress, when he was a member of the House of Representatives, a bill was introduced into both Houses under the actual name of a "homestead bill," and passed both branches in some shape; but the two Houses failed to

agree upon the amendments. There seems to be no evidence that this bill was introduced at his instance, but he of course voted for it. This last Congress in which he served also passed a graduation act by which the prices of public lands were fixed to actual settlers at prices varying from one dollar to twelve and a half cents, according to the length of time the land had been in the market. Under this act the enormous aggregate of not far from twenty-six millions of acres had been entered by the year 1881.

Thus, though in his early days—as he himself said in the Senate on January 4, 1841, of his efforts as to the land laws—"his solitary voice was overpowered . . . and his bills were treated as preposterous, absurd, and impracticable measures," yet the end of his career in the federal councils saw the bulk of those principles for which he had contended enacted into laws and permanently on the statute-book.

The mineral lands long reserved from sale and leased under a mistaken idea that the federal government would in this way enjoy a large profit from them were, in part at least, turned over to that individual ownership by which alone they could be made a source of income. The poorer parts of the public lands were no longer arbitrarily fixed at the same price at which the best lands had been taken years before, but were gradually reduced as the years rolled by without their finding a purchaser. And the hardly actual settler, who went ever westward carrying with him the might and the future of the country, was no longer treated as a trespasser and criminal, but was accorded that right to purchase in preference to any one else which Benton had demanded for him in the Tennessee Senate in 1809. And within a few years after his death, the steadily growing sentiment in favor of liberal legislation upon the subject led to the passage in 1862 of a homestead law under which an actual settler

could take up one hundred and sixty acres almost free of cost.

The portion of his contention which has had the least success is that for the ultimate cession of the lands to the States in which they lay. This idea has been thought by some to have been the main purpose at which he aimed, but such was by no means the case. His controlling object was to render settlement easy by encouraging people to come with the promise of conveying farms of suitable size to them, and the plan of cessions to the States was entirely left out of some bills and in no case applied, except to lands which had been long in the market without finding a purchaser. He did advocate in a number of particular instances, and not infrequently with success, cessions of special tracts to the States for some purpose of public improvement, and was, for example, a supporter of the bill introduced in 1848–49 to make such a cession to Florida to enable her to have the Everglades drained.*

As was to be expected, Benton was charged with advocating his land measures from purely partisan purposes and to secure his re-election to the Senate, absurd and utterly untenable though this view was, when we

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* C. G., 20th Cong., 2d Sess., p. 91. The following references comprise some of the most important proceedings on Benton's land bills: C. D., vol. ii., part 1, 1825–26, pp. 720–753. Ibid., vol. iv., part 1, 1827–28, pp. 483–497, 609–629, 678. Ibid., vol. vi., part 1, 1829–30, pp. 405–408, 427. Ibid., vol. xiii., part 1, 1836–37, pp. 750–752. C. G., 25th Cong., 2d Sess., appendix, pp. 291–294. Ibid., 26th Cong., 2d Sess., pp. 14, 15. Ibid., appendix, pp. 20, 21, 58–61. View, i., pp. 12, 102–107. Much aid can also be derived from a pamphlet entitled "The Public Domain," published by authority of the Forty-sixth Congress at its third session, and constituting Ex. Doc. 47, part 4, House of Representatives. For the Florida armed occupation bill, see C. G., 25th Cong., 3d Sess., appendix, pp. 162–165. Ibid., 26th Cong., 1st Sess., appendix, pp. 71–74. Ibid., 27th Cong., 2d Sess., pp. 503, 618, 619, 818. View, i., p. 102; ii., pp. 70, 167–171.

consider the long history of his opinions and actions upon the subject. John Quincy Adams, for instance, who never shook off the feeling of his section and looked upon the lands merely as a source of revenue by their sale, could see nothing in Benton's move but a bid for popularity; and he was, moreover, inspired with some idea that its success would be very dangerous to the Union. He wrote * in 1828 that he was in great concern for "the prospects of the country—the threats of disunion from the South, and the graspings after all the public lands which are disclosing themselves in the Western States."

Probably the real first cause of his fear was that at about that time the East was entertaining hopes of drawing the West away from its close political union with the South, and the popularity of Benton's plans threatened to dash these hopes. Much of the politics of the day revolved around the efforts of the East and the South to secure the Western vote, and there can be no doubt that the proposal to distribute the surplus revenue among the States was in good part a countermove to check the growing sentiment in the West in favor of Benton's land laws. It proposed accordingly to give an extra portion of the proceeds to those States in which the lands lay.

The famous debate which sprang up in 1830 over Foot's resolution is another instance of the same struggle between the old sections, and is full to repletion of claims by both that it was and always had been the friend of the West and that the other side was endeavoring with false promises to seduce the young giant from its natural ally. Introduced, as the measure was, by a member from Connecticut, defended almost entirely by Eastern men, and proposing, as it did, to limit for a time the sales of the public lands exclusively to those already in

* Diary, viii., pp. 87, 88; and see ibid., vii., pp. 187, 188.

the market, and even to abolish the office of surveyor-general, it is no wonder that Benton recognized its tendency to stop entirely his land bills and to delay enormously the growth of the West, and from the very start hotly opposed it.

Webster, in one of his wonderful orations upon the subject in reply to Hayne, reviewed parts of the history of the treatment of the West by the South and the East, and made claims of a tender devotion to the new section on behalf of the East such as only an orator of his power would have had the audacious effrontery to advance. Benton at once began an answer to this speech, but, after he had proceeded for some time, yielded the floor to Hayne, and there then ensued that famous debate between Hayne and Webster which must forever illustrate the palmiest days of the American Senate.

After the close of this episode Benton resumed and spoke for parts of four days. He reviewed at length and with care, citing the documents in proof of his allegations, the question which section had been the early friend of the West, and demonstrated conclusively that Webster's claims for the East were absurdly unfounded. The value of Benton's speeches is often to be found in their historical research, and the student will still find here a mass of evidence collected upon this subject.

Benton had in reality spoken a good deal of this speech before he gave way to Hayne, but Webster made no pretence of answering him,—a fact which led to the side-play of Hayne's charging that Webster feared Benton as an "over-match for him" and therefore poured out the vials of his oratory on Hayne. Webster the orator needed to fear no man, but there can be little doubt that he gladly avoided touching the mass of evidence Benton had brought forward, and sought instead to overwhelm with his ponderous artillery Hayne's opinions as to the nature and character of our government. I shall quote

the following from Benton's chief speech as a sample of his lighter method in debate. It was in reply to an oratorical extravagance of Webster in regard to Nathan Dane:

". . . He has brought before us a certain Nathan Dane, of Beverly, Massachusetts, and loaded him with such an exuberance of blushing honors as no modern name has been known to merit or to claim. Solon, Lycurgus, and Numa Pompilius are the renowned legislators of antiquity to whom he is compared, and only compared for the purpose of being placed at their head. So much glory was earned by a single act, and that act, the supposed authorship of the ordinance of 1787, for the government of the Northwestern Territory, and especially of the clause in it which prohibits slavery and involuntary servitude . . . [after reciting the history of the ordinance to show that Dane was not its author]. So passes away the glory of this world. But yesterday the name of Nathan Dane, of Beverly, Massachusetts, hung in equipoise against half the names of the sages of Greece and Rome. Poetry and eloquence were at work to blazon his fame; marble, and brass, and history, and song were waiting to perform their office. The celestial honors of the apotheosis seemed to be only deferred for the melancholy event of the sepulchre. To-day all this superstructure of honors, human and divine, disappears from the earth. The foundation of the edifice is sapped; and the superhuman glories of him who, twenty-four hours ago, was taking his station among the demigods of antiquity, have dispersed and dissipated into thin air—vanishing like the baseless fabric of a vision, which leaves not a rack behind." *

* C. D., vol. vi., part 1, 1829–30, p. 96.

CHAPTER XII

OUR EARLY FINANCIAL HISTORY—THE UNITED STATES BANK — GENERAL DISLIKE AND DISTRUST OF, THROUGHOUT THE WEST—ORIGIN AND GROWTH OF THIS FEELING—ABSURDITY OF VIEW OFTEN ADVANCED AS TO CAUSE OF JACKSON'S HOSTILITY—THE WESTERN DEMOCRACY—EARLY MOVES AGAINST THE BANK

At the same time that Benton was making some of his efforts in the contests which we have been considering, he was also engaged in one of the most momentous struggles of his career. Not in favor of Jackson for the presidency during the popular campaign in 1824, it has been seen that he came to the General's support later, when the election was thrown into the House and Clay ceased to be eligible; and probably from that time on he was a Jackson man and concerned in the many movements to bring him into the presidency.

In a few years they became close friends, and Benton wrote * Jackson on February 28, 1828, giving some details of the hopes entertained by himself, Calhoun, and other advocates of the General, and showing no little insight into events then a year and more ahead: "We believe," he wrote, "that the debt can be paid in Jackson's administration, and duties on comforts and necessaries to a large amount abolished, and that without touching the manufacturing interests. Jefferson gained a great part of his glory by abolishing two millions of taxes. I think we shall abolish ten or twelve millions." And when a year later Jackson entered upon his remarkable presi-

* Letter in the Jackson Correspondence in Library of Congress.

dency, he found one of his strongest supporters in Benton. Of the numerous policies which marked the eight years of our history which we are about to enter upon, one stands pre-eminent and must be first examined here.

It is unfortunate that the questions involved in the struggle between Jackson and the bank have been subjects of such bitter controversy that it is to-day impossible, and is likely ever to remain so, to get people to come to anything approaching an agreement of opinion. The one side can see little in the bank but an institution guided at all times by the worst of motives, and the other side forever paint the President as impelled from start to finish by motives of mere jealousy and spleen, and inspired primarily by blind rage at being curbed in his desire to dispense patronage.

Still, the contest must be treated here at some length; for the subject of this book took an enormous part in the memorable struggle. Posterity may think that he showed even more truly the great man when late in his career he flatly refused to follow the trend of public opinion in his State and adhered to his own view of what was right until all his political power crumbled to pieces; but it was undoubtedly during the days of the bank struggle that he attained the zenith of his power and fame on the stage of public events.

In their short history the American people have had many terrible experiences of the evils of irredeemable paper money, and yet large numbers have not learned the lesson of its dangers. On the other hand, some have imbibed such a horror of the very idea that they fly from it as from poison and want all business conducted on specie alone. The paper-money experiences of the Revolution made a deep impression on most of the statesmen who founded our country, and it is more than likely that among the lessons of Benton's very early days were some reminiscences upon the subject recounted by older men.

Whether this be so or not, there is clear proof that his early maturity found him inspired with that dislike and jealousy of banks and banking which his later life showed and which was highly characteristic of the regions in which he passed the years of early manhood.

The West—a new country without capital and needing large sums for its development—felt, as the newer parts of the country have felt in our day, that it was bled by the "money-power" of the older regions; and, when at intervals the bubble of apparent prosperity broke and many were pushed to the wall by far-off creditors across the mountains, it was in human nature that financial institutions, and especially the largest and most powerful one, should come to be looked upon with eyes of jealousy and distrust.

The first Bank of the United States had its part in creating these feelings, and from at least the early years of the century the prevailing sentiment in the West was beyond all question strongly opposed to a national bank. This is a cardinal point to be borne in mind in studying the history of the second bank's downfall, and it is instructive in the connection to observe that in 1811 Clay based his opposition to rechartering the first bank on reasons which most curiously anticipate Jackson's veto of 1832.

Not only did he inveigh against the bank's claim to enter a State without leave and yet be exempt from taxation, but he found another cause of complaint in the large proportion of its capital owned by foreigners, and declaimed against it as "a splendid association of favored individuals, taken from the mass of society and invested with exemptions and surrounded by immunities."

All these objections can be found almost in words in Jackson's veto of twenty-one years later, and there can be no doubt that Clay's views represented very fairly the prevailing opinion in 1811 of the people of the Southwest,

—that bold and boastful democracy whose influence upon our development came in a few years to be so enormous, but which has been, unfortunately, far too little studied. They were deeply inspired with the feeling of State rights and greatly disliked to see the vast federal money engine enter their State at will.

Clay's speech is said * to have fixed Jackson's mind against the idea of a national bank when he was still a comparatively young man, and it is probable that Benton, too,—then a close friend of Jackson and a connection of Clay,—became inspired at the same time with a like feeling of distrust and jealousy of the power of enormous moneyed institutions.

The main causes of this feeling that was thus so prevalent throughout the West were undoubtedly that dislike of privilege and mistrust of power which are characteristic of all democracy. The Western Democrats felt that a vast bank, situated miles away from their home and with branches scattered over the country, all subject to the orders of one central authority, must wield a dangerous influence upon the life of every citizen. The president and the few officers managing the bank seemed to be clothed under the forms of law with special opportunities in the struggle for existence, and the vast federal revenue constantly in their hands was alone a fund enormous beyond the dreams of avarice in that day.

The Democracy did not want any institution to exist of enormous power for good or for evil, and particularly not one separate and apart from essential governmental agencies; they were convinced, as were the founders of the republic, that power is dangerous and cannot be trusted. This is one of those instincts which some men have, while others have not, but rather long to create such

* Parton's Jackson, ii., p. 654. Charles H. Peck's Jacksonian Epoch, p. 168.

stupendous agencies and then to bask in their sunshine; but no one can fail to recognize the existence of the feeling, nor that it had exerted a controlling influence at the foundation of our government. It was undoubtedly at bottom this same instinct of those early days that was now about to lead the Western Democracy to oppose the continuance of the United States Bank.

But the purely instinctive feeling was by no means all. These men had at times felt, or undoubtedly thought they had felt, the opposition and oppression of the bank. Many writers deny this, but it would be a case of such self-denial as the world hardly shows, if the bank did not at times exert an iron hand to carry through its general policy and in so doing crush some individuals and localities.

This is one of those things which are hardly susceptible of proof, any more than is, in general, the influence of modern corporations on legislative bodies, but neither can be seriously doubted. An institution whose president claimed for it the power to destroy any bank in the country may well never once have exercised this power, but it is equally clear that the minor institutions could not dare to follow their own course in opposition to it. The mere existence of such a power of life and death in the hands of one corporation would have been enough to compel that absolute obedience which tradition says was rendered to the United States Bank, and here alone was ample cause for a jealous and suspicious Democracy to aim to tear down that vast body.

The first Bank of the United States had gone out of existence in 1811, and for six years the country was then based upon State institutions. During this period there was a vast deal of reckless and dishonest financiering, and banks were created with such profusion that the term "litter" was several times applied to the batches of new ones authorized by the wholesale by the legislatures.

The consequence was that the country was flooded with debased paper money, and Pennsylvania alone had in 1817 forty-eight chartered banks, twenty-two unlawful and unchartered ones, and thirty-nine private individuals, all engaged in the business of issuing notes, while "shinplasters" issued by bridge and other companies, by city and borough authorities, and by merchants, tavern-keepers, barbers, and shoe-blacks, are said to have circulated in vast numbers, ranging in value from three cents to two dollars.* The war with England, too, came during this period, and at its close the finances of the country were in an awful state, with specie payments suspended and with thousands of dollars of worthless bank promises to pay floating about.

This state of affairs led to the charter in 1816 of the second Bank of the United States, against the governmental opinions of the party in power, but under the stern compulsion of one of those conditions before which the abstract constitutional views of all but the most determined give way. The new institution went into operation in 1817, and its exertions contributed largely to a return to specie payments early in that year, but this result was brought about only by a degree of pressure on the State banks which at once excited their hostility.

It must be noted that, despite the disorders of the currency prevailing after the close of the war, it was a period of apparent prosperity. A "boom" of flush times was running its feverish course, and every one was eagerly buying at the most extravagant prices whatever he could lay his hands on, with the result that men worth in reality next to nothing were the nominal owners of vast tracts of land and other property, their ownership based on mere promises to pay which could not possibly be met.

The flush times continued for a few years after the

* McMaster's United States, iv., pp. 307, 308; 317, 318.

creation of the second Bank of the United States, and new institutions were still created in profusion, so that in 1818 there were three hundred and ninety-two banks in the country. Warnings had been uttered now and then, but remained unheeded, and finally the crash started in the latter part of 1818, and soon all over the country banks were suspending payment and unhappy debtors were rapidly going to the wall.

It cannot be doubted that the reckless bank management of the time had contributed enormously to the overgrown bubble of apparent prosperity; and though the people at large were of course much to blame both for the banks and the system, they did not recognize this, and when the hard day of reckoning came, they looked upon the banks and bankers as the evil *genii* alone responsible for their misfortunes. Meetings began to denounce the banking system, and candidates for Congress and the State Legislatures were soon called upon to pledge themselves against the establishment of any bank.

The Bank of the United States was of course far from escaping blame in all this time of trial, and historians by no means likely to be hard on the institution think that it was justly charged with a large share of responsibility for the financial condition. An effort was made in Congress to repeal its charter, and the State Legislatures were urged to tax the branches out of existence.

In Maryland, Ohio, Kentucky, and Tennessee such laws were passed, and contests of historical interest and of vast importance took place between those States and the bank. The institution was, moreover, investigated by Congress, and was soon found to have been managed, as corporations are so often managed, in the illegitimate interest of a favored ring of stockholders, who had not even paid for their stock in cash. At the same time bribery was also discovered to have existed, and hosts of minor abuses. In consequence of these disclosures the president resigned

and Langdon Cheves was appointed in his place, while Nicholas Biddle for the first time entered the management. The new officers soon wrote that a most appalling state of corruption and delinquency was found to have existed.*

Such was in outline the history of these events during Benton's early manhood, and it was a history to make an impression on the beliefs of the least observant, let alone one so much given as he was to watching public matters closely and studying them. It has been seen that he removed to St. Louis in 1815, but we have little knowledge of him during the succeeding few years.

In May, 1820, at a time when the office was not likely to be much sought after, he was elected a director of the Territorial Bank of Missouri, of which Auguste Chouteau was president, but he can hardly have served, as his election to the Senate occurred in the autumn of the same year and he was in Washington in December. This bank did not fail, but was forced into liquidation in 1822. A letter from Benton to Governor Preston in 1819 has been quoted, which carries no little appearance that its writer was inspired by the exuberant hopes of the period of inflation. It is said that the fever for speculation was even more rampant in Missouri than in other parts of the country, and the crash which came there shortly before its admission to Statehood may well have swept away from Benton some property which he had thought to be securely his.†

Whether this be the case or not is conjecture, but there is positive evidence that at or before this time he

* My account of the events of this time is taken chiefly from Schouler's History of the United States, iii., pp. 109–120; McMaster's United States, iv., pp. 484–509; Burgess's Middle Period, pp. 190–194.

† Billon's Annals of St. Louis in Territorial Days, p. 89; History of Banking, by John J. Knox, pp. 781, 782; McMaster's United States, iv., pp. 509, 510.

had come to have a dislike for banks and their methods, and had in particular imbibed a feeling of entire distrust in a national bank. It has been seen that in 1819 his newspaper expressed its opinion against banks in general and was fond of quoting like views from other papers, and he himself has left on record some of his impressions of the time.

His speech in the Senate has already been quoted, in which he told how his journey in 1820 from the Mississippi River to Washington had been " one long ride amidst the crashings and explosions of banks, and the cries and lamentations of a deceived and plundered people," and it is extremely likely that, as he passed through Ohio at that time, he heard accounts of its " crowbar law," under which State officers had gone into the branch bank at Chillicothe and *vi et armis* seized and carried off a large sum of money under a State tax law, almost in the teeth of an injunction from the federal court.

There is no reason to doubt his statement in this speech that, in his view, even at that early day the National Bank was "the greatest and most potential author" of the ills the country suffered from, and this conviction evidently sank deep into his beliefs, as he thought over the delusions of the paper system and saw the national bank, which had been heralded as the remedy for the evils of the time, with its branches shut, and " notoriously bankrupt, except for the credit and revenues of the United States, which were lent and extended to save it." In another speech * he gave a painful reminiscence of the sufferings of the country at about this time, when " all the fruitless panaceas of stay laws, stop laws, property laws, and replevin laws were successively and vainly tried."

In his opinion, the West had suffered even more than

* C. G., 26th Cong., 1st Sess., appendix, p. 118. Ibid., 27th Cong., 1st Sess., appendix, p. 198.

any other part of the country. Gold and silver had all vanished, the local banks had been crushed out of existence by the National Bank, and the latter institution had almost shut the doors of its Western branches and was engaged only in pressing its debtors. He summed up as follows the opinion held from about 1820 to 1824 of the bank and its accountability:

"It was known as the author of the calamities which then afflicted the country; it had just been arraigned for numerous crimes by a committee of Congress—had been subjected to two motions to dissolve its charter by *scire facias*—and to one to repeal it by law; and, loaded with infamy, it had merely escaped with its life, and was dragging out the ignominious existence of an unexecuted felon. It was not a question of love, but of hatred, to the institution at that time. All concurred in execrating it; many were for destroying it."

This is a high-wrought and partisan account of the feeling of the day, but the passionate and perhaps unreasonable acts of the people only argue more strongly what has been said already, that a general distrust and detestation of banks, and especially of the Bank of the United States, was then entertained throughout the country and particularly in the West. This feeling long survived in the latter region, and a striking similarity will be found all through the history between the views Benton held upon the subject and those maintained by Jackson, while attention has been already directed to the fact that Clay's arguments in 1811 were also based on the same general grounds.

Nor did Jackson's opinions burst suddenly into existence in a moment of rage, as has been so often maintained, but will be found to have been of gradual growth. That they were definitely fixed at the time he became President will be shown shortly, and in 1820 he had memorialized * the Legislature of Tennessee against the proposed Bank

* History of Banking, by John Jay Knox, pp. 650, 651.

of Tennessee, complaining that its notes would not be "convertible into specie," and insisting that "bills issued on any other basis . . . must prove inefficient and abortive." And again in 1827 he had strongly opposed * the movement which resulted in the establishment of a branch of the United States Bank at Nashville.

Surely, then, there is evidence enough that the powers which brought about Jackson's election, as well as Jackson himself, had an ingrained dislike and distrust of the vast United States Bank, and a recent historian is justified in writing that these forces and interests "were bound, under the first general financial pressure, to make an onslaught upon the 'money power and privilege' of the East, as embodied in the United States Bank." Yet numbers of writers leave entirely out of view all this evidence of a gradual growth of public opinion, and have it that the bank contest flashed into being in one sudden moment of passion, when Jackson was balked in a desire to control the management of a branch in New Hampshire.

This account of the origin of the contest owes its existence to a Congressional report of John Quincy Adams, —a hater of Jackson and a bitter partisan,—and in the nature of affairs can only have reached him because it represented the opinion of the bank management. That the petty contest made Jackson angry and contributed to his dislike of the institution is doubtless true, and it might well do so; for even admitting that the claims of independence of the administration advanced by the bank were justified in strict law, yet they were maintained with a boldness and a confidence of power which seemed intended to bid defiance to the Federal Executive.†

This whole story of the origin of Jackson's contest

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* C. G., 25th Cong., 2d Sess., appendix, p. 213.

† Schouler's United States, iii., pp. 471–473; Parton's Jackson, iii., pp. 260–268.

with the bank seems to me merely absurd, and only valuable as an illustration of how readily historians will follow any lead furnished them, provided that it jumps with their prejudices. Not only is the story in the highest degree unlikely in itself, but there are, moreover, many facts which demonstrate beyond peradventure that the cause of the contest with the bank lay far deeper.

It is curious to find that as early as November 10, 1837, shortly after Jackson's retirement from the presidency, Benton wrote * him from a steamboat on the Ohio River, asking for aid in regard to a speech the writer intended to make at the coming session to defend him from this very story. He wanted Jackson's recollections and proofs as to his opinions upon the bank before 1829, and specified that his object was to make a defence

"from the story now systematically propagated, that you were in favor of the late Bank of the United States until you found that it could not be used for your political purposes, and that you then turned against it from resentment. This imputation against you was commenced in 1832, but was generally deemed then too ridiculous and contemptible to merit serious refutation. But the case is different now. The charge has become a part of the permanent system of operations of the whole bank party, and with the obvious view of giving it perpetuity, not only to injure you, but also to injure the cause of the constitution and of the people in your person, and to gain an undue sympathy and respect for the bank by representing her as the victim of her integrity and the object of your revenge, on account of her virtuous resistance to your dishonorable propositions."

Benton received an answer and made his speech in due time, but the upturning since of buried historical records has furnished a far more complete defence than he was then able to make from this absurd partisan charge of such remarkable vitality. The general tendency of the section of the country whence Jackson came has been

* Jackson Correspondence in Library of Congress.

already mentioned, but there is far more direct evidence. Thus, James A. Hamilton writes * that as early as 1827, in a conversation with him, Jackson "expressed strong opinions against the Bank of the United States," and Nicholas Biddle was in this same year warned † from another source that Jackson had strongly opposed the repeal of the Tennessee law taxing branches established in that State.

Again, there was long a rumor prevalent in Washington that Jackson had intended in his inaugural address to suggest the advisability of not rechartering the bank, but was dissuaded. This story is dismissed by Parton ‡ in a very few words on his mere *ipse dixit* and without a hint of authority for so doing, but is undoubtedly true. Not only do Bancroft § and Ingersoll,|| both of whom were close to the events of the day, say in words that such was Jackson's intention, but his intimate personal friend Blair ** apparently adds his testimony to the same effect, and Polk †† also gave details upon the subject in a speech in Congress in 1833.

There is, again, conclusive evidence from quite another source that Jackson, soon after he entered upon his duties as President, and *before the contest with the branch bank arose,* expressed himself on numerous occasions as opposed to the existence of the bank. Ingham, his first Secretary of the Treasury, published a statement ‡‡ in 1832, in which he said:

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* Reminiscences, p. 69.

† Catterall's Second Bank, pp. 172–185.

‡ Jackson, iii., pp. 258, 259.

§ Cited by Parton, ibid.

|| History of the Second War (Events of 1814), p. 254.

** Extra Globe, i., p. 90, quoted in Catterall's Second Bank, p. 184.

†† C. D., vol. x., part 2 (1833–34), p. 2263.

‡‡ Niles's Register (1832), vol. xlii., pp. 315, 316.

"Soon after I entered on the duties of the Treasury Department [he was appointed March 6, 1829] I became sensible from the frequent declarations of the President of the United States, made in promiscuous conversation with his guests, that he had imbibed strong prejudices against the United States Bank, and was *decidedly opposed to the existence of that institution,* as I understood, on grounds of expediency alone. As all my own experience, observation, and reflexion had fixed in my mind an opposite conclusion, I naturally looked forward to the time when an application for a renewal of the charter would bring these opinions into conflict, unless one of them should be changed. I could not anticipate any new light to change mine, and had unhesitatingly determined so far as it might be in my power to avert *the meditated destruction of the bank;* * though it should cause my retirement from office."

He then goes into details which show conclusively, if any one requires further evidence than his quoted language, that all this was before the contest over the branch in New Hampshire arose or was dreamed of.

There can be no answer to this evidence, which is absolute demonstration from a source that is not friendly that Jackson was opposed to the existence of the bank and desired its discontinuance, at least as soon as the early days of his presidency. And the following indications are to the same effect. Benton said in 1835 that the President had always been opposed to it, and in another place he says, in referring to the fact that he was not in Washington when Jackson's first message was pre-

* Italics are mine. Prof. Sumner (Life of Jackson, p. 242, etc.) refers to this letter, and even mentions its general tenor, yet with strange prejudice lays all his stress on the hackneyed account of the origin of Jackson's wrath. And Prof. Bolles (Financial History of the United States from 1789 to 1860, p. 335) says broadly that Jackson was opposed to the bank "because he could not control its offices and convert the institution into a piece of party machinery," and then goes on to detail the same old story. It is a pleasure to find the story cast aside as worthless by a recent writer, who is in general strongly on the side of the bank. Catterall's Second Bank, pp. 172–185.

pared, "we knew each other's opinions on the question of a bank itself; but had gone no further." *

Jackson himself, too, when his first message was under discussion before being sent to Congress, replied † to an objection to the portion about the bank by saying, "I am pledged against the bank;" and in his famous protest to the Senate in 1834, when narrating the growth of his opinions, he wrote that his "convictions of the dangerous tendencies of the Bank of the United States . . . were so overpowering when he entered on the duties of Chief Magistrate, that he felt it his duty, notwithstanding the objections of the friends by whom he was surrounded, to avail himself of the first occasion to call the attention of Congress and the people to the question of its recharter."

Benton's views are still more positively known, and some time before Jackson was elected President, Benton looked upon the bank with disfavor and moved against it; and in January, 1829, when Jackson had not yet been inaugurated, Benton distinctly intimated his opinion against "the renewal of a charter adverse to the interests of the people." These were undoubtedly expressions of the general Western dislike of the bank, and the same feeling was at the bottom of the motion made in the House in December, 1827, by P. P. Barbour to sell the stock of the institution held by the United States. In the debate upon this motion opposition to the bank and its recharter had clearly cropped out, but the motion was overwhelmingly defeated by one hundred and seventy-four votes to nine, the minority composed of members from Virginia, Kentucky, North Carolina, and Georgia.

But Benton was beyond question the member most strongly opposed to the bank, and he made several early movements against it. Thus, on March 3, 1828, he in-

* View, i., p. 539, and ibid., p. 158.

† J. A. Hamilton's Reminiscences, p. 150.

troduced a series of resolutions * in regard to the balances of United States money in the bank. His view was that the Act of 1817 upon the subject of the surplus revenue to be retained in the Treasury had been misinterpreted, so that the balances retained were much larger than the law required or there was any need for, and his motion was that the Committee on Finance should inquire into this question, and, if it should be of opinion that the law had been correctly interpreted, then it should report an amendment to reduce the balance required to be retained.

His resolutions also contained a clause to increase the powers of the Commissioners of the Sinking Fund and give them a discretionary power to make purchases of the public debt at its market price, in order that the cash in the bank should be used to buy the three per cents., which then sold at eighty-five, while the existing laws only allowed them to be bought at sixty-five. His view was that this would reduce the interest charge against the government, and he hinted that the bank ought to pay interest on its balances.

Early in the next session he again introduced resolutions † upon the same general subject, but his ideas had grown, and one clause read that " the Bank of the United States ought to be required to make a compensation to the people of the United States for the use of the balances of public money in its hands." He stated these balances to average about three and a half millions, ‡ and told

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* C. D., vol. iv., part 1, 1827–28, pp. 379–394.

† Ibid., vol. v., 1828–29, pp. 18–28.

‡ Modern writers put them much higher. Thus, Charles H. Peck says in his Jacksonian Epoch that the United States money in the bank from 1818 to 1832 averaged $6,700,000. See also John Jay Knox's History of Banking, p. 63; Parton's Jackson, iii., p. 257; Schouler's United States, iii., p. 469. Catterall's Second Bank, appendix, v., p. 503, makes them average something over eight millions from 1817 to 1833, inclusive.

of the years of struggle Burke and others had had in England before they succeeded in forcing the Bank of England to make a just compensation for the use of the balances of national money it held. Speaking upon his resolutions on January 6, 1829, Benton said, "an authority to retain two millions of surplus money in the Treasury is an authority to make a gratuitous loan of it to the bank which has the keeping of it, and where it may be used in creating an interest in elections, or at the renewal of a charter adverse to the interests of the people."

The resolutions of both sessions were referred after slight debate, and reports were made against them, in accordance with the manner of legislative bodies, about fourteen days before the close of the session, so that of course no result whatsoever but discussion was attained. Benton had intended to introduce resolutions again at the next session, but Jackson's well-known reference to the bank in his first message* raised the subject in a better form. Once more, however, a report strongly in

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* "The charter of the Bank of the United States expires in 1836, and its stockholders will most probably apply for a renewal of their privileges. In order to avoid the evils resulting from precipitancy in a measure involving such important principles, and such deep pecuniary interests, I feel that I cannot, in justice to the parties interested, too soon present it to the deliberate consideration of the legislature and the people. Both the constitutionality and the expediency of the law creating this bank, are well questioned by a large portion of our fellow-citizens; and it must be admitted by all that it has failed in the great end of establishing a uniform and sound currency.

"Under these circumstances, if such an institution is deemed essential to the fiscal operations of the government, I submit to the wisdom of the legislature, whether a national one, founded upon the credit of the government, and its revenues, might not be devised, which would avoid all constitutional difficulties, and at the same time secure all the advantages to the government and country that were expected to result from the present bank."

favor of the bank came in upon that part of the President's message, and at the next session, after Jackson had suggested still more decidedly in his second message his doubt of the advisability of rechartering the bank, Benton asked leave on February 2, 1831, to introduce into the Senate a resolution in the words "that the charter of the Bank of the United States ought not to be renewed."

A similar resolution had been laid upon the table in the House * in May of the preceding session by a vote of eighty-nine to sixty-six, and the Senate now in turn voted by twenty yeas to twenty-three nays to refuse the leave to introduce, but not until Benton had secured the advantage of making a speech † of some length which he could of course spread abroad through the country. He based his opposition on the grounds which have been shown to have been usual, and in speaking of the institution as "too great and powerful to be tolerated in a government of free and equal powers," complained that its franchises were granted "to a company of private individuals, many of them foreigners, and the mass of them residing in a remote and narrow corner of the Union, unconnected by any sympathy with the fertile regions of the Great Valley, in which the natural power of this Union —the power of numbers—will be found to reside long before the renewed term of a second charter would expire."

He quoted, too, from the evidence of Nicholas Biddle before a committee of Congress, who had said, in answer to friendly questions, that the bank had never oppressed any of the State banks, but had added, "there are very few banks which might not have been destroyed by an exertion of the power of the bank." ‡ This alone was,

* C. D., vol. vi., part 2, 1829–30, p. 922.

† Ibid., vol. vii., 1830–31, pp. 46–78.

‡ This opinion is borne out by Prof. Catterall (Second Bank, p. 438), and I presume there can be no doubt of the fact.

in Benton's view, enough to show that a recharter should not be granted; but he went on to call attention to how largely the Bank of England had come to control the government, and cited in particular an experience of Pitt, whose national policy was, in Benton's opinion, controlled by a formal notification in advance from the bank not to expect any further loans.

He expressed his willingness "to see the currency of the Federal Government left to the hard money mentioned and intended in the Constitution," and to leave every species of paper money "to the State authorities, unrecognized by the Federal Government, and only touched by it for its own convenience when equivalent to gold and silver." And he summed up his general view as follows:

"I have handled the question as if the constitutional authority for the bank was express, and as if its whole administration had been free from reproach. I have looked to the nature of the institution alone; and, finding in its very nature insurmountable objections to its existence, I have come to the conclusion that the public good requires the institution to cease. I believe it to be an institution of too much power; of tendencies too dangerous, of privileges too odious, of expense too enormous, to be safely tolerated under any government of free and equal laws. . . .

"I would prefer to see the charter expire without any substitute; but I am willing to vote for the substitute recommended by the President, stripped as it is of all power to make loans and discounts. Divested of that power, it loses the essential feature, and had as well lose the name, of a bank. It becomes an office in the Treasury, limited to the issue of a species of exchequer bills, differing from the English bills of that name in the vital particular of a prompt and universal convertibility into coin. Such bills would be in fact, as well as in name, the promissory notes of the United States of America. They would be payable at every land-office, custom-house, and post-office, and by every collector of public moneys, in the Union. Payable everywhere, they would be at par everywhere. . . .

"I have said that the charter of the Bank of the United States cannot be renewed. And in saying this, I wish to be considered, not as a heedless denunciator, supplying the place of argument by empty menace, but as a Senator, considering well what he says,

after having attentively surveyed his subject. I repeat, then, that the charter cannot be renewed! And, in coming to the conclusion of this peremptory opinion, I acknowledge no necessity to look beyond the walls of this Capitol—bright as may be the consolation which rises on the vision from the other end of the avenue! I confine my view to the halls of Congress, and joyfully exclaim, it is no longer the year 1816! Fifteen years have gone by; times have changed; and former arguments have lost their application. We were then fresh from war, loaded with debt, and with all the embarrassments which follow in the train of war. We are now settled down in peace and tranquillity, with all the blessings attendant upon quiet and repose. There is no longer a single consideration urged in favor of chartering the bank in 1816 which can have the least weight or application in favor of rechartering it now." *

* C. D., vol. vii., 1830–31, pp. 74, 75.

CHAPTER XIII

THE CONTEST OVER RECHARTER—PARTY MOVES—THE BRANCH BANK ORDERS — BILL FOR RECHARTER PASSED AND VETOED—THE ELECTION AND JACKSON'S TRIUMPH

THE few words in regard to the United States Bank which I have quoted from Jackson's first message, and which suggested a question as to the expediency of renewing its charter, attracted at the time much attention and have since been generally regarded as a "declaration of war" by him against the institution, and such they undoubtedly were in one sense; though Benton maintained stoutly and with no little reason that, as the stockholders had no vested right to be rechartered, no attack was thereby made on them. In the message of 1830 Jackson repeated and strengthened his criticisms, but in 1831, when the presidential campaign was approaching, he confined himself in the main to a reference to what he had already said.

To enter a presidential campaign with a contest on his hands with the United States Bank was a thing which even he evidently desired to avoid. The institution was so immensely powerful and had the undoubted support of so many leading men who were in general supporters of Jackson that he and his friends would certainly have been glad to postpone the contest and avoid the risk of driving these men from them. I think I can see in one of Benton's speeches * that in May, 1832, he feared the result of

* C. D., vol. viii., part 1, p. 965, etc. Clay's opinion is expressed in a letter quoted in Parton's Jackson, iii., p. 395.

such a contest, and Clay thought that the Executive was playing "a deep game to avoid at this session the responsibility of any decision on the bank question."

Clay was determined that this effort should not succeed, and it was largely owing to his strong will that the bank question was made a leading issue of the campaign. The platform of the National Republicans, on which he was nominated in December at Baltimore, against Jackson, was most outspoken in favor of recharter, and specially emphasized the fact that Jackson was pledged to veto any bill for that purpose; and, though he had no direct influence with Biddle * in inducing the bank at this time to present its memorial asking for recharter, yet his action in framing the platform was of course a vital element in shaping the contest and forcing the issue on Jackson.

If it be true that Jackson had thrown down the gauntlet to the bank in his message, that institution did most certainly pick the gauntlet up and fairly throw it in his face in thus precipitating a battle for its existence some years before any necessity called for it and at the very outset of one of our presidential campaigns. From this time on the great financial institution was openly, if not avowedly, aligned with one of the leading political parties and against the other.

From about the beginning of Jackson's term of office efforts had been making † to reach some agreement upon

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* It has been generally believed that it was chiefly Clay's influence which led to the bank's decision, but Prof. Catterall has recently shown from the papers of Nicholas Biddle that this is an error and that Clay had little or no influence in the matter: Biddle acted for himself entirely (Second Bank, p. 215, etc.). This author recognizes fully that the "bank war" began at this point when the bank thus precipitated the question of its existence into the political field (Ibid., p. 242).

† Catterall's Second Bank, pp. 186–214.

the question of recharter, but these had not met with much success, and in December of 1831 there was still doubt in the councils of the bank whether to present the question at that session or not. At this time a confidential agent (General Cadwalader) was sent to Washington, and he had further negotiations with members of the Cabinet and public men. Benton writes * that one chief purpose of his visit was to make sure of united action, for many of the bank's friends were friends of Jackson and their course of action must be known in advance. Two separate caucuses were then held, one of the National Republicans and one of Democrats who favored the bank, and Benton was regularly informed by a friend in one of them of the progress made. The two caucuses disagreed, but the larger one, composed of National Republicans, was presided over by Clay, and his strong will carried it in favor of immediate action, with the result that the smaller Democratic caucus voted the same way.

It cannot be known how great an influence this action of the politicians had with Biddle in leading him to his final decision, but on January 9, 1832, the bank's memorial for recharter was presented in both Houses of Congress, and from that day the bank question became and remained for years one of party strife of the most bitter kind that our country has ever seen. It was well known that there was a majority in favor of the bank in both Houses, and Benton writes † that therefore

"our course of action became obvious, which was—to attack incessantly, assail at all points, display the evil of the institution, rouse the people—and prepare them to sustain the veto. It was seen to be the policy of the bank leaders to carry the charter first and quietly through the Senate; and afterwards in the same way

* View, i., p. 227.
† Ibid., p. 235, etc.

through the House. We determined to have a contest in both places, and to force the bank into defences which would engage it in a general combat, and lay it open to side-blow, as well as open attacks. With this view a great many amendments and inquiries were prepared to be offered in the Senate, all of them proper, or plausible, recommendable in themselves, and supported by acceptable reasons; which the friends of the bank must either answer, or reject without answer; and so incur odium. In the House, it was determined to make a move, which, whether resisted or admitted by the bank majority, would be certain to have an effect against the institution,—namely, an investigation by a committee of the House, as provided in their charter. If the investigation was denied, it would be guilt shrinking from detection; if admitted, it was well known that misconduct would be found. I conceived this movement, and had charge of its direction. I preferred the House for the theatre of investigation, as most appropriate, being the grand inquest of the nation; and, besides, wished a contest to be going on there while the Senate was engaged in passing the charter."

Clayton, of Georgia, was selected to make this move, and Benton gave him a "memorandum of seven alleged breaches of the charter, and fifteen instances of imputed misconduct to inquire into." Clayton accordingly made the motion for a committee of investigation, reading the charges, Benton writes, "from a narrow slip of paper, which he continued rolling round his finger all the time . . . as on a cylinder, to prevent my handwriting from being seen." Having been obliged to act in a hurry, Clayton had not even copied the memorandum, but used the original given him by Benton.

These charges are quoted at length in the "Thirty Years' View," and were in general similar to those made throughout the contest. The move met with the strongest opposition, and was only carried in the end for a restricted investigation. Its results need not be gone into here, but it was probably of vital importance in the contest, and seems * to have been the chief means of stopping certain

* Life of C. J. Ingersoll, by the present writer, pp. 171–176. Prof. Catterall has reached the same conclusion (Second Bank, p. 228).

final efforts at adjustment which were at that time going on between members of the Cabinet friendly to the bank and a friend of Nicholas Biddle, for Jackson would agree to no compromise, pending the investigation.

Some have found a very low morality in this story of party plans from Benton, but no heated party contest is carried on otherwise. Charges are always made which are not, in the opinion of the person making them, of any great weight; they are made because they carry weight with others. This is certainly fair in party warfare, and the opinions of others are properly appealed to and sought to be influenced. No human being can doubt that Benton's mind was made up on the main question, that the bank ought not to be rechartered and was in every way a most harmful and dangerous institution, so surely he was entitled to seek support by showing that it had been guilty of usury or other minor abuses as well as of graver ones.

It will accordingly be found throughout the whole contest that he, as well as others on both sides, often indulged in partisanship, and did not hesitate to take advantage of every point, large or small, which they thought would conduce to the great end they had in view. Thus, in one case Benton criticised * the bank for having had the sheriff serve a writ to revive a judgment at the residence of a Senator, to the great alarm of the lady of the house. This is a very ancient arrow in the quiver of campaign days, and is undoubtedly purely for popular effect, but has been used and allowed by thousands of leading men. But Benton at least selected and laid great weight at the very start on that point in the policy of the bank which even supporters of the institution have unsparingly condemned as a chief cause of its final ruin and

* C. D., vol. xi., part 1, 1834–35, p. 659; View, i., p. 548.

as already at this early day beginning to be a cause of embarrassment.

In the year 1827 the branch banks began, in pursuance of a plan devised by Nicholas Biddle, to issue what were known as "branch bank orders." These were orders drawn by officers of a branch upon the parent bank; they were made to the order of some officer of the branch and by him endorsed in blank, and then circulated as currency. They were originally issued for sums of five and ten dollars, but later for twenty dollars also, and had been devised, according to Professor Sumner, to avoid the necessity under the charter for the officers of the parent bank to sign all formal bank-notes; while Benton maintains that the real underlying reasons were to avoid the obligation of the bank under its charter to pay its notes at any branch where they might be presented by the government, and of course to secure the profit from their actual long circulation unredeemed.

It is not clear that Benton was entirely right here, for it is hard to see how the bank could have treated these drafts or orders differently from its notes proper, when presented by the government. But such drafts presented by individuals were beyond doubt legally payable only in Philadelphia, and in case of a serious stringency there can be no question that the bank would have refused their payment to individuals at the branches and thus have secured considerable delay; and when we remember that they were issued almost exclusively in the West, and formed nearly the only currency circulating there, no one can wonder at the Western complaints against them. In regard to the real causes which led the bank to devise them, it is to be noted that of the four memorials to Congress praying for relief, three specified distinctly the obligation to cash anywhere its notes presented by the government as a ground on which they asked for an amendment of the charter, and one of these was

presented when Biddle was just about entering the presidency.*

These orders were undoubtedly strictly not payable anywhere until after presentation to the parent bank at Philadelphia, many miles away, for acceptance or refusal,† but, as a matter of fact, they were voluntarily paid at any branch. They were issued exclusively by the Southern and Western branches and a few others of smaller class, and Benton says that in many States they had excluded the lawful notes of the bank and constituted "the mass of all its paper seen in circulation." ‡ He insisted that the fact of their voluntary payment at any branch was nothing, and that the citizen was entitled to have a strict legal right to depend upon; and a few years later he maintained that as early as 1833 their general voluntary payment was stopped and certain branches refused to accept those of some others.§

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* A. of C., 16th Cong., 2d Sess., 1820–21, p. 29. Ibid., appendix, pp. 1534–1540. Ibid., 17th Cong., 1st Sess., 1821–22, vol. i., p. 538. Ibid., 17th Cong., 2d Sess., 1822–23, pp. 713, 1134–1140; see also p. 642. Prof. Catterall says, however, that Biddle did not think this provision a defect (Second Bank, pp. 94, 95, 114, 115).

† Prof. Sumner (Jackson, p. 261) writes that they were "in form redeemable where issued," but this is certainly an error, unless it means after they were sent to Philadelphia and refused acceptance, a contingency very unlikely to arise. Benton gives their form as follows (C. D., vol. viii., part 1, p. 120):

"Cashier of the Bank of the United States
"Pay to Jas. L. Smith, or order, five dollars.
"Office of discount and deposit in Utica,
"The 3rd day of September, 1831.
"N. V. GRAZIER, *Cashier.* JOHN B. LEVING, *President.*"

And on the back these words: "Pay to the bearer, Jas. L. Smith."

‡ View, i., p. 220; C. D., vol. viii., part 1, 1831–32, p. 134.

§ View, i., p. 548. Prof. Catterall seems to deny this, but admits that drafts (and apparently notes proper) of distant branches were

According to a report of the Secretary of the Treasury, some seven million in all of the orders had been issued by 1832, of which about five million were believed to be in circulation; while Professor Sumner says that nearly seven and a half million were out at this same time.* It was maintained by the Westerners that they were the cause of the constant drain of specie from the West to the East in order to meet the orders, which to a certain extent found their way to Philadelphia for payment. Professor Sumner, a learned political economist and, though a biographer of Jackson, by no means addicted to overstating the strength of Jackson's side of a case, says that "these branch drafts were a most unlucky invention, and to them is to be traced most of the subsequent real trouble of the bank," and he adds that "they had no true convertibility. There was no check whatever on the inflation of the currency by them so long as credit was active. . . . (The president of the bank) was embarrassed already by the debt of the Western branches, which had been produced by the operation of the branch drafts.

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refused reception from State banks, and that this was the general custom until about 1833, when complaints by State banks and the government and the fear of consequences led to an order to receive all the issues of the bank and its offices at par "at all the Atlantic offices" (Second Bank, pp. 310–312). Certainly, if such was the case, a uniform currency was not furnished by the bank, nor is it to be wondered that the Westerners were dissatisfied that such payment was made at the Eastern offices and not at the Western.

* C. D., vol. viii., part 1, p. 329. Sumner's Life of Jackson, p. 261. Prof. Catterall (Second Bank, pp. 128, 129) puts the figures at slightly over five million out of a total circulation of twenty-one million, and thinks this was very slight; but it is to be observed that the five million of branch drafts were undoubtedly meant for and were to be found almost exclusively in the thinly settled country districts, and I see no reason to doubt Benton's statement that they constituted in many States the only circulating medium furnished by the United States Bank.

Their effect was just beginning to tell seriously. . . . Biddle could not make the Western branches pay." *

At an early date in the contest, on January 20, 1832, Benton asked leave to introduce into the Senate a resolution that the branch bank orders were illegal as currency and ought to be suppressed. There was little discussion of the matter, and leave was refused by a vote of sixteen ayes to twenty-five noes, soon after Benton had made an elaborate speech, in the course of which he said:†

"The resolution which I am asking leave to bring in expresses its own object. It declares against the legality of these orders, AS A CURRENCY. It is the currency which I arraign. I make no inquiry, for I will not embarrass my subject with irrelevant and immaterial inquiries—I make no inquiry into the modes of contract and payment which are permitted, or not permitted, to the Bank of the United States, in the conduct of its private dealings and individual transactions. My business lies with the currency; for, between public currency and private dealings the charter of the bank has made a distinction, and that founded in the nature of things, as broad as lines can draw, and as clear as words can express. The currency concerns the public; and the soundness of that currency is taken under the particular guardianship of the charter; a special code of law is enacted for it; private dealings concern individuals;

* Life of Jackson, pp. 235, 261, 268, 269. Prof. Catterall, the most recent writer on the bank, differs from Prof. Sumner on this point, and in his chapter on the branch drafts (Second Bank, chapter vi., and see especially pp. 120–131) defends them *in toto;* but it is to be observed that in another part of his book (p. 236) the same writer speaks with apparent approval of the amendment contained in the bill of 1832 (which Jackson vetoed) prohibiting them, and says that their prohibition "would terminate the use of an irregular currency, which might be dangerous, and which was certainly not amenable to the laws that applied to the rest of the bank's issues." Surely, no stronger words of condemnation could be written. He seems to admit fully, too, the inability, for some reason, of the bank to control the branches (Ibid., pp. 390–393, 402) and to differ with Prof. Sumner chiefly as to the question of convertibility.

† View, i., pp. 221–224. C. D., vol. viii., part 1, 1831–32, pp. 113–144.

and it is for individuals, in making their bargains, to take care of their own interests. The charter of the Bank of the United States has authorized, but not regulated, certain private dealings of the bank; it is full and explicit upon the regulation of currency. Upon this distinction I take my stand. I establish myself upon the broad and clear distinction which reason makes, and the charter sanctions. I arraign the currency! . . .

"I object to it because it authorizes an issue *of currency upon construction.* The issue of currency, sir, was the great and main business for which the bank was created, and which it is, in the twelfth article, expressly authorized to perform; and I cannot pay so poor a compliment to the understandings of the eminent men who framed that charter, as to suppose that they left the main business of the bank to be found, by construction, in an independent phrase, and that phrase to be found but once in the whole charter. I cannot compliment their understandings with the supposition that, after having authorized and defined a currency, and subjected it to numerous restrictions, they had left open the door to the issue of another sort of currency, upon construction, which should supersede the kind they had prescribed, and be free from every restriction to which the prescribed currency was subject.

"Let us recapitulate. Let us sum up the points of incompatibility, between the characteristics of this currency and the requisites of the charter; let us group and contrast the frightful features of their flagrant illegality. 1. Are they signed by the president of the bank and his principal cashier? They are not! 2. Are they under the corporate seal? Not at all! 3. Are they drawn in the name of the corporation? By no means! 4. Are they subject to the double limitation of time and amount in case of credit? They are not; they may exceed sixty days' time, and be less than one hundred dollars! 5. Are they limited to the minimum size of five dollars? Not at all! 6. Are they subject to the supervision of the Secretary of the Treasury? Not in the least! 7. The prohibition against suspending specie payments? They are not subject to it! 8. The penalty of double interest for delayed payment? Not subject to it! 9. Are they payable where issued? Not at all, neither by their own terms, nor by any law applicable to them! 10. Are they payable at other branches? So far from it, that they were invented to avoid such payment! 11. Are they transferable by delivery? No; by indorsement! 12. Are they receivable in payment of public dues? So far from it, that they are twice excluded from such payments by positive enactments! 13. Are the directors liable for excessive issues? Not at all! 14. Has the holder a right to sue at the branch

which issues the order? No, sir, he has a right to go to Philadelphia, and sue the directors there! a right about equivalent to the privilege of going to Mecca to sue the successors of Mahomet for the bones of the prophet! Fourteen points of contrariety and difference. Not a feature of the charter in the faces of these orders. Every mark a contrast; every lineament a contradiction; all announcing, or rather denouncing, to the world, the positive fact of a spurious progeny; the incontestable evidence of an illegitimate and bastard issue. . . .

"The bank went into operation with the beginning of the year 1817; established eighteen branches, half a dozen of which in the South and West; issued its own notes freely, and made large issues of notes payable at all these branches. The course of trade carried the branch notes of the South and West to the Northeast; and nothing in the course of trade brought them back to the West. They were payable in all demands to the Federal Government; merchants in Philadelphia, New-York, and Boston received them in payment of goods, and gave them—not back again in payment of Southern and Western produce—but to the collectors of the customs. Become the money of the government, the bank had to treat them as cash. The fourteenth section of the charter made them receivable in all payments to the government, and another clause required the bank to transfer the moneys of the government to any point ordered; these two clauses (the transfer clause being harmless without the receiving one contained in the fourteenth section) laid the bank under the obligation to cash all the notes of all the branches wherever presented; for, if she did not do it, she would be ordered to transfer the notes to the place where they were payable, and then to transfer the silver to the place where it was wanted; and both these operations she had to perform at her own expense. The Southern and Western branch notes flowed to the Northeast; the gold and silver of the South and West were ordered to follow them; and, in a little while, the specie of the South and West was transferred to the Northeast; but the notes went faster on horses and in mail stages than the silver could go in wagons; and the parent bank in Philadelphia, and the branches in New York and Boston, exhausted by the double operation of providing for their own, and for Southern and Western branch notes besides, were on the point of stopping payment at the end of two years. Mr. Cheves then came into the presidency; he stopped the issue of Southern and Western branch paper, and saved the bank from insolvency! Application was then made to Congress to repeal the fourteenth section of the charter, and thus relieve the bank from this obligation to cash its notes every

where. *Congress refused to do so.* Application was made at the same time to repeal a part of the twelfth fundamental article of the constitution of the bank, for the purpose of relieving the president and principal cashier of the parent bank from the labor of signing the five and ten dollar notes. *Congress refused that application also.* And here every thing rested while Mr. Cheves continued president. The Southern and Western branches ceased to do business *as banks;* no bank notes or bills were seen but those bearing the signatures of the president and his principal cashier, and none of these payable at Southern and Western branches. The profits of the stockholders became inconsiderable, and the prospect of a renewed charter was lost in the actual view of the inactivity and uselessness of the bank in the South and West. Mr. Cheves retired. He withdrew from an institution he had saved from bankruptcy, but which he could not render useful to the South and West; and then ensued a set of operations for enabling the bank to do the things which Congress had refused to do for it; that is to say, to avoid the operation of the fourteenth section, and so much of the twelfth fundamental article as related to the signature of the notes and bills of the bank. These operations resulted in the invention of the *branch bank orders.* These orders, now flooding the country, circulating as notes, and considered every where as gold and silver (because they are *voluntarily* cashed at several branches, and *erroneously* received at every land-office and custom-house), have given to the bank its present apparent prosperity, its temporary popularity, and its delusive cry of a sound and uniform currency. This is my narrative; an appalling one, it must be admitted; but let it stand for nothing if not sustained by the proof."

It is often said that Binney, Webster, and Wirt united in an opinion in favor of the entire legality of the orders, but this seems to me to be far overstating the case. It is true that five years before, in March, 1827, at the time when the orders were about to be first put into operation, Binney wrote an opinion * (in which Webster and Wirt concurred), in answer to a letter of Nicholas Biddle, and expressed the view that the drafts about which his opinion was asked were legal and that their issue constituted "an

* Printed in Reports of Congress, House Reports, 460, 22d Cong., 1st Sess., pp. 50, 51.

ordinary banking operation," and was "within the powers of every banking corporation;" but this opinion was given with absolutely no knowledge of vital elements of the problem which presented itself to the public man in 1832.

Nicholas Biddle's letter stating the facts upon which Binney was asked his opinion contains most naturally no intimation at all of that which had by 1832 become the chief fact in the matter,—that the drafts constituted a currency,—nor the now well-known fact that such was the very intention of the bank directory. They were undoubtedly a "currency device," and therefore "were made to resemble bank-notes as closely as possible in design, color, and texture," and so successfully was this accomplished that very few men "ever noticed the difference."* The mere issuing of them, however, as a means of settling exchanges, was the point on which stress was laid, without a hint of the underlying intention, and Biddle's letter contains little but the following statement as to the intentions of the directors in the matter. The officers of the bank at a distance were, he wrote, in the "habit of drawing checks on the bank for the accommodation of the community. These checks . . . have generally been in large sums. It is proposed . . . that the officers shall be instructed to issue these checks for smaller sums . . . whenever requested by the dealers with those offices." It was therefore most natural that Binney—both he and Webster were at the time members of the board of directors of the central institution—thought it immaterial "whether the drafts be for large sums or small," and that he based his answer upon a consideration of the drafts merely as a means of facilitating the exchanges between different sections.

Had he been asked his opinion again in 1832, or could he have foreseen in 1827 how largely the drafts were to

* Catterall's Second Bank, p. 119, and see pp. 125, 126.

serve the functions of a currency, he would hardly have written that " as there is no substantial difference between the checks or drafts heretofore drawn at the different offices upon the Bank of the United States and those which it is proposed hereafter to draw, . . . there can be no legal objection to them. . . . Checks or drafts of a similar description between banks and their branches and between independent banks, have been coeval with these institutions in the United States."

Another assertion often made is that a decision in favor of the legality of the orders had been rendered by the Circuit Court of the United States at Philadelphia, but the real fact is that a single judge of the United States Supreme Court had in a charge * to a jury sustained an indictment against a defendant for knowingly uttering, passing, and publishing a forged branch draft. But this merely decides that a branch had a right to draw checks or drafts on the mother bank (which could unquestionably be done in the bank's exchange operations), and that it was forgery to imitate them.

It has no bearing on the question of the legality of the drafts *as a currency;* and the defendant was guilty because the eighteenth section of the charter had expressly made it a crime not only to forge any order, check, or draft, but equally so to be concerned in passing any such forged instrument; he would (I conceive) have been guilty under the common law for being concerned in passing the forged draft or check even of an individual. The truth is that the question of the legality of the drafts as a currency was one which hardly could have been brought up for judicial decision, but possibly it would be

* United States *v.* Shellmire, 1 Baldwin, p. 370. Benton attacked this decision and insisted that it was not law. I cannot see why he took this trouble, unless to controvert some of the mere opinions of the judge.

most nearly approached, if we imagine the law of to-day taxing all currency except specified sorts to have been then in existence and an effort made to tax these drafts as currency; can it be doubted that they would have been held taxable?

McDuffie, in the minority report of the first (or Clayton) committee of investigation, took the ground—and this is in reality the extremely narrow position which all defenders of the drafts are forced to assume—that, though the orders were used so largely as currency, they were in reality mere ordinary drafts, and "the bank cannot be justly made responsible for the use which the public may choose to make of the drafts." But this view did not at all meet the point to be considered by a legislator, and even conceding that they were absolutely authorized, the question arose at once whether they ought not to be forbidden; and it is noteworthy that, despite the elaborate defence of them, the bill subsequently reported to the House, and which Jackson vetoed, contained a clause to prohibit the orders as theretofore issued, and required that bills issued by the branches should be payable by such branches. It provided at the same time that they should be payable only at the branch where issued, which was doubtless a valuable concession to the bank.

It is not necessary to follow at any length the debate upon the bill for rechartering the bank, and it will be enough to say that Benton not only proposed numerous amendments in accordance with the plan of which he tells us in the "Thirty Years' View," but spoke also very often and at length. He inveighed, for instance, against the time which was selected to present the application for recharter, against the giving of such valuable privileges to any selected individuals, against the right to establish branches in the States at the will of the bank; and he moved the repeal of the provision restricting Congress from creating other banks, an amendment to prohibit all

federal officers and aliens from holding stock in the institution, and a provision to make the stockholders liable to the amount of their stock on the failure of the bank to redeem its notes in specie. He took this idea from the Scotch banking system, and he wrote in later life * that he was already at this time convinced that the bank was insolvent.

He was, moreover, of opinion that the institution had very improperly begun to *extend* its credits at once upon the criticisms of it in Jackson's first message. He insisted that it had done this to such an extent as to increase its loans from forty million to seventy million, and that this had been done mainly in the West and with a view to create an interest in favor of recharter.

Benton thought the bank had long taken an active part in politics, and in 1832 ridiculed the opposite contention. "As for the story," he said,† "that the present Bank of the United States is not a political engine, it is a story for nurses to tell and children to believe. It is a political engine, and a tremendous one, too! Its power is terrific and irresistible, having the secret, ramified, and despotic organization of the Jesuits, with the revenues of an empire. No individual can stand before it. But one man in America can now stand before it, and him it now defies to the encounter. If victorious now, it is conqueror forever." And in another instance he had occasion to express his views upon this subject.

In 1834 Tyler presented a favorable report upon the bank from the Finance Committee of the Senate, in which

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* View, i., p. 241. The bank was not then insolvent, but Benton was not far wrong, for the historian of the bank says that the institution was "in a very grave position" by March, 1832, and Benton's figures on the extent of the expansion were substantially correct (Catterall's Second Bank, p. 150, and see p. 145 et seq.).

† C. D., vol. viii., part 1, 1831–32, p. 973.

Benton's name and those of Jackson and Van Buren were quoted—evidently with great gusto—as having promoted the establishment of branch banks. Upon the reading of this report Benton at once arose and the following scene took place, which is in a high degree characteristic of his methods. He always struck while the iron was hot, and sought to meet an accusation instantly and in the very same presence in which it was made by showing his opponent to be flagrantly in the wrong. Taking the floor in this instance immediately after Tyler had, with a good deal of flourish, read his report, Benton said:

"His own name was made to figure in that report, in very good company to be sure, that of President Jackson, Vice-President Van Buren and Senator Grundy. It seems that we have all been detected in something that deserves exposure, in the offense of aiding our respective constituents, or fellow-citizens, in obtaining branch banks to be located in our respective States; and upon this detection the assertion is made that these branches were not extended to these States for political effect, when the charter was nearly run out, but in good faith, and upon our application, to aid the business of the country. Mr. B. said, it was true that he had forwarded a petition from the merchants of St. Louis, about 1826 or '27, soliciting a branch at that place; and he had accompanied it by a letter, as he had been requested to do, sustaining and supporting their request; and bearing the testimony to their characters as men of business and property which the occasion and the truth required. He did this for merchants who were his political enemies, and he did it readily and cordially, as a representative ought to act for his constituents, whether they are for him or against him in the elections. So far so good; but the allegation of the report is, that the branch at St. Louis was established upon this petition and this letter, and therefore was not established with political views, but purely and simply for business purposes. Now, said Mr. B., I have a question to put to the senator from Virginia (Mr. Tyler), who has made the report for the committee. It is this: whether the president or directors of the bank had informed him that General Cadwalader had been sent as an agent to St. Louis to examine the place and to report upon its ability to sustain a branch?

"Mr. Tyler rose, and said that he had heard nothing at the

bank upon the subject of Gen. Cadwalader having been sent to St. Louis or any report upon the place being made.

"Then, said Mr. Benton, resuming his speech, the committee has been treated unworthily, scurvily, basely by the bank! It has been made the instrument to report an untruth to the Senate and to the American people; and neither the Senate nor that part of the American people who chance to be in this chamber should be permitted to leave their places until that falsehood was exposed.

"Sir, said Mr. B., addressing the Vice-President, the president, and directors of the Bank of the United States, upon receiving the merchants' petition and my letter, did not send a branch to St. Louis! They sent an agent there, in the person of General Cadwalader, to examine the place and to report upon its mercantile capabilities and wants; and upon that report the decision was made, and made against the request of the merchants, and that upon the ground that the business of the place would not justify the establishment of a branch. The petition from the merchants came to Mr. B. while he was here, in his seat; it was forwarded from this place to Philadelphia; the agent made his visit to St. Louis before he (Mr. B.) returned; and when he got home, in the spring or summer, the merchants informed him of what had occurred; and that they had received a letter from the directory of the bank informing them that a branch could not be granted; and there the whole affair, so far as the petition and the letter were concerned, died away. But, said Mr. B., it happened just in that time that I made my first demonstration—struck my first blow—against the bank; and the next news that I had from the merchants was, that another letter had been received from the bank, without any new petition having been sent, and without any new report upon the business of the place, informing them that the branch was to come! And come it did, and immediately went to work to gain men and presses, to govern the politics of the State, to exclude him (Mr. B.) from re-election to the Senate; and to oppose every candidate, from governor to constable, who was not for the bank. The branch had even furnished a list to the mother bank, through some of its officers, of the names and residences of the active citizens in every part of the State; and to these, and to their great astonishment at the familiarity and condescension of the high directory in Philadelphia, myriads of bank documents were sent, with a minute description of name and place, postage free. At the presidential election of 1832, the State was deluged with these favors. At his own re-elections to the Senate, the two last, the branch bank was in the field against him everywhere, and in every form; its directors traversing the State, going

to the houses of the members of the General Assembly after they were elected, in almost every county, over a State of sixty thousand square miles; and then attending the legislature as lobby members, to oppose him. Of these things Mr. B. had never spoken in public before, nor should he have done it now, had it not been for the falsehood attempted to be palmed upon the Senate through the instrumentality of its committee. But having been driven into it, he would mention another circumstance, which also he had never named in public before, but which would throw light upon the establishment of the branch in St. Louis and the kind of business which it had to perform. An immense edition of a review of his speech on the veto message was circulated through his State on the eve of his last election. It bore the impress of the bank foundry in Philadelphia, and was intended to let the people of Missouri see that he (Mr. B.) was a very unfit person to represent them: and afterwards it was seen from the report of the government directors to the President of the United States, that seventy-five thousand copies of that review were paid for by the Bank of the United States!" *

The bill for recharter passed both Houses, but was soon met by the veto, which has been well described as "a curious *pot-pourri* of strength and weakness, of sound statesmanship and cheap demagogism, of shrewd politics and silly commonplaces." Benton says of the veto session that it was "the most fiery and eventful session that I had then seen—or since seen except one"—and during the debate upon the veto he and Clay fell into such an angry controversy that it is likely the instance constitutes one of those in which a duel between them is said to have been averted only by the exertions of friends.†

Clay had described Jackson as being in his contest with the bank much in the position of the eagle in the fable which had by mistake carried off a cat in its talons, but was soon glad to be released so as to escape the cat's sharp claws. To this Benton replied: "General Jackson

* C. D., vol. xi., part 1, 1834–35, pp. 24–26. See also View, i., pp. 482, 483.

† General F. P. Blair, Jr.'s, Address.

is the eagle; the bank is the cat; the parley is the proposition of the bank to the President to sign its charter, and it will support him for the presidency—if not, will keep his claws stuck in his sides. But Jackson, different from the eagle with his cat, will have no compromise or bargain with the bank. One or the other shall fall, and be dashed into atoms!"

There was nothing to quarrel over in this side-play, but Benton intimated later in the debate that Clay was wanting in courtesy to the President in some of his criticisms; and to this Clay replied that Benton was not the person to whom he should go for advice as to a question of decorum, then referred in very pointed language to Benton's early encounter with Jackson, and closed by saying that he had never predicted that in the event of Jackson's election as President it would be necessary to legislate with dirks and pistols at our sides.

Clay appears to have jauntily imagined that the matter would end here, but, if so, he little knew Benton. The latter at once replied that the story of this alleged prediction by him had been anonymously made in Missouri and had lately been stuck up by night in placards on the posts and walls of Washington; heretofore he had, despite all his efforts, been unable to find any one to father it; "but since it is in open day introduced into this chamber, I am enabled to meet it as it deserves to be met. I see who it is that uses it here, and to his face [pointing to Mr. Clay] I am enabled to pronounce it, as I now do, an atrocious calumny."

Clay replied by asking whether the gentleman can "look to me, and say that he never used the language attributed to him in the placard which he refers to? . . . Can you look me in the face, sir [addressing Mr. Benton], and say that you never used that language out of the State of Missouri?"

"Mr. Benton. I look, sir, and repeat that it is an

atrocious calumny; and I will pin it to him who uses it here.

"Mr. Clay. Then I declare before the Senate that you said to me the very words—

"[Mr. Benton in his place, while Mr. Clay was yet speaking, several times loudly repeated the word 'false, false, false!']

"Mr. Clay said, I fling back the charge of atrocious calumny upon the Senator from Missouri."

Calls to order here interrupted the quarrel, and Benton soon apologized "to the Senate for the manner in which I have spoken; but not to the Senator from Kentucky." Clay offered a similar apology.* Nothing has reached me to show in what manner the quarrel was composed, but it is difficult to suppose that in that day the matter rested where the debate left it.

Whatever any one may think of the validity of the views advanced in the veto, it took wonderfully with the people, and the election was an overwhelming defeat for the forces opposing Jackson. Rarely have leaders more completely failed to foresee the trend of public opinion than did the friends of the bank in this instance. Clay and all of them were supremely confident, and Nicholas Biddle thought that Jackson's veto message exhibited the "chained fury of a panther biting the bars of his cage."

During the campaign, Benton writes,† the newspapers opposed to Jackson (*i.e.*, a great majority of the whole number published) contained a general register under the caption "Effects of the Veto," in which such telling items as the following were contained:

* This dispute is given at much greater length in the View, i., pp. 256, 263, 264. See also C. D., vol. viii., part 1, 1831–32, pp. 1294–1296. The slight differences between the accounts do not appear to me material, though Benton complained in the Senate on December 22, 1834, that the account in the Debates was false.

† View, i., pp. 280, 281.

"We learn from Cincinnati that, within two days after the veto reached that city, building-bricks fell from five dollars to three dollars per thousand. A general consternation is reported to have pervaded the city."—"Cincinnati farmers look here! We are credibly informed that several merchants in this city, in making contracts for their winter supplies of pork, are offering to contract to pay two dollars fifty cents per hundred if Clay is elected, and one dollar fifty cents if Jackson is elected. Such is the effect of the veto. This is something that people can understand."—"Lexington, Kentucky, July 25th. A call, signed by fifty citizens of great respectability, formerly supporters of General Jackson, announced their renunciation of him, and invited all others in the like situation with themselves to assemble in public meeting and declare their sentiments. A large and very respectable meeting ensued."

From the samples of these items which Benton reproduces it is evident that reports of defections from Jackson by his former supporters were regarded as of particular importance. Benton attributes all the alarm to the efforts of the bank, and writes that it was "a wicked and infamous attempt on the part of the great moneyed corporation to govern the election by operating on the business and the fears of the people—destroying some and alarming others."

Nothing has reached me to show the part taken by Benton in the campaign, but there can be little doubt that in some way he made himself very active. He was engaged at the same time in a canvass for his own re-election to the Senate, but the actual choice by the Legislature was not made until after the presidential election, when he had forty-six votes against twelve for his competitor, Abraham J. Williams. This was one of the elections at which, as has been seen, he maintained that the bank had actively opposed him.

CHAPTER XIV

THE REMOVAL OF THE DEPOSITS—THE PANIC SESSION—THE EXPUNGING RESOLUTION

JACKSON'S first message after the election contained an intimation that the bank was insolvent and not a safe depository for the public moneys, and recommended a thorough investigation of the institution by Congress, as well as the sale of the seven millions of its stock held by the United States. A bill for this latter purpose was, however, easily defeated, and an investigation by the House resulted in another favorable report.

The time of Congress at this session was chiefly taken up by the dangers of nullification and by the passage of the Compromise Tariff and other measures growing out of the Southern troubles, and the bank question was not very much in evidence. But Jackson had probably made up his mind that the bank must be entirely deprived of the vast powers it derived from its connection with the government, and that all possibility of its recharter in the future must be destroyed. Schouler thinks that Jackson was "ignorant and miscalculating on so intricate a subject" as that of the bank, but gives him credit for having "that instinct of the situation which in the political sense is worth more than plodding wisdom:" he appreciated that "the time had come for the United States to start on a new financial path [and] to break the web of corporate favoritism which was becoming a corded net upon its growing shoulders."

Jackson did not then let the matter rest with the Congressional report upon the bank's affairs, which the deemed most superficial and unfair, but instituted an investigation, as he had a right to do, by the government

directors; and they reported large expenditures for printing and circulating public speeches and reports in regard to the bank, and, further, the creation of a small executive committee in the control of the president and which in effect conducted the affairs of the institution,—to the exclusion of the government directors.

At this time, too, the bank is now thought to have shown financial weakness in its efforts to delay the payment of the three-per-cent. loan which fell due in July of 1833. This had made a great impression on Jackson, who declared "the bank is already broken; for Nick Biddle, proud and high-spirited as he is, would never have begged the extension of those three per cents., had it been otherwise." *

It seems that the plan of ceasing to use the bank as the public depository—commonly known as "the removal of the deposits"—was discussed during the presidential campaign of 1832, but it is not clear just when it was first conceived, nor are authorities agreed as to who was its author. Benton says † that the measure was the President's own, and there can be no question that he was the power that carried it out. Indeed, he had little support, except from Taney, Barry, Kendall, and Blair, while the majority of the Cabinet and of the Democratic leaders were entirely opposed, fearing hopeless party dissensions.

* Schouler's United States, iv., pp. 134, 137. Jackson's opinion is quoted from Kendall's Autobiography, p. 374, etc. This is possibly another instance of his "instinct of the situation," for Prof. Sumner writes (Jackson, 268), "in regard to the three per cents., it is certain that Biddle wanted to defer the payment for the sake of the bank. He was embarrassed already by the debt of the Western branches, which had been produced by the operation of the branch drafts. Their effect was just beginning to tell seriously." This view, moreover, except as to the cause which had produced the embarrassment, is fully borne out by Prof. Catterall's Second Bank, pp. 268 et seq., 146–150.

† View, i., p. 374. Catterall's Second Bank, p. 288.

Benton was absent in Virginia during the time the measure was taking shape, and received the first intimation of it towards the end of September from a copy of the *Globe,* which not only contained Jackson's famous paper read to the Cabinet on September 18, but announced also the actual issuing of the order for the removal. He writes in the "View":

"I felt an emotion of the moral sublime at beholding such an instance of civic heroism. Here was a President, not bred up in the political profession, taking a great step upon his own responsibility from which many of his advisers shrunk; and magnanimously, in the act itself, releasing all from the peril that he himself encountered, and boldly taking the whole upon himself. I say peril; for if the bank should conquer, there was an end to the political prospects of every public man concurring in the removal. He believed the act to be necessary; and believing that, he did the act—leaving the consequences to God and the country. I felt that a great blow had been struck, and that a great contest must come on, which could only be crowned with success by acting up to the spirit with which it had commenced. And I repaired to Washington at the approach of the session with a full determination to stand by the President, which I believed to be standing by the country; and to do my part in justifying his conduct, and in exposing and resisting the powerful combination which it was certain would be formed against him."

This forecast of a coming struggle was prophetic, for even the session of the veto paled before the famous "Panic Session," which followed in 1834 upon the removal of the public deposits. There was much financial disturbance and public distress throughout the country, all of which the friends of Jackson charged to the designs of the bank to force the government to return to it;* while mammoth petitions from many parts of the country, some of them containing as many as six thousand and even ten

* Still more "instinct of the situation," for this view also is largely borne out by modern writers friendly to the bank. See, *e.g.,* Prof. Catterall's Second Bank, pp. 314–331, 343, 346, 426; Henry Adams's Life of Gallatin, pp. 658–662.

thousand signatures, were presented by the score to Congress and to the President, urging the restoration of the deposits and charging the distress entirely to their removal.

In the Senate, the chief field selected for this agitation, the friends of the President were few in numbers and had to contend during the whole long session in a hopeless minority against "the prodigious, scathing invective of American statesmen the most talented and powerful who ever united in opposition," for—to say nothing of lesser lights—Clay and Webster and Calhoun had for the time being buried their differences and were vying with one another only in their attacks upon the President. The labors of those who defended the administration were enormous, and Benton, who was the leading man among them, writes that he spoke over thirty times and others as often.

His speeches do not seem to have been as long as usual, but there was plenty of fire and aggressiveness in him, and at one time, when Clay's resolutions of condemnation of the President were under consideration, he moved a substitute that "Nicholas Biddle . . . be summoned to appear at the bar of the Senate . . . to be examined on oath touching the causes of the late large curtailment of debts due to the Bank . . . and the application of the moneys of the Bank to electioneering and political objects." They were indeed very giants of pluck and endurance and seem to have had a supreme confidence of ultimate triumph, finding much comfort in the state of parties in the other House, where a "majority of fifty, fresh from the elections of the people, and strong in their good cause," seemed to promise that the more slowly changing Senate would also before long be of their way of thinking.

Benton writes * that he often saw the President during

* View, i., p. 424. Jackson seems to have been by no means mild with the delegations which called upon him personally (Schouler's

this time of trial, "always during the night (for I had no time to quit my seat during the day); and never saw him appear more truly heroic and grand than at this time. He was perfectly mild in his language, cheerful in his temper, firm in his conviction, and confident in his reliance on the power in which he put his trust. I have seen him in a great many situations of peril, and even of desperation, both civil and military, and always saw him firmly relying upon the success of the right through God and the people; and never saw that confidence more firm and steady than now. After giving him an account of the day's proceedings, talking over the state of the contest, and ready to return to sleep a little, and prepare much, for the combats of the next day, he would usually say: 'We shall whip them yet. The people will take it up after a while.'"

That the President's friends made the best in this desperate party struggle of every tactical error of their opponents is clear; and not a few such were made, for the bank's supporters were throughout the whole contest absolutely without appreciation of the popular feeling. Benton seems to have had usually a very clear perception of the blunders his opponents were making, and was doubtless always on the watch to take advantage of them.

It was during the Panic Session that he first introduced the famous resolution to expunge a part of the Senate's journal, and here was a case in point where he thought a blunder had been made. The Senate and the President had had more than one passage at arms, and on the 28th day of March, 1834, the Senate had resolved "that the President in the late executive proceedings in relation to the public revenue [the removal of the de-

History of the United States, iv., p. 161). Benton's motion to call Nicholas Biddle to the bar of the Senate is to be found in C. D., vol. x., 1833–34, p. 139.

posits], has assumed upon himself authority and power not conferred by the Constitution and laws, but in derogation of both."

This resolution was passed only after being several times amended and rendered thus vague and indefinite by Clay and its other sponsors, and there was grave doubt as to the constitutional right—to say nothing of the propriety—of the Senate to pass any such resolution; for it was not done with a view to any legislative or executive action by the body, and it condemned the President, unheard, for a matter as to which the Senate might yet be called to sit as his judges upon an impeachment. Benton seems to have appreciated, even while the resolution was under discussion, that here was an opportunity for his side to rally the people to their support against an injustice and wrong, and it was not many days before he took steps to accomplish this end. On April 17, 1834, Jackson replied to the condemnatory resolution by a protest which he sent to the Senate and which it was at once moved in that body should not be received.

It was during the debate upon this motion that Benton first gave notice of his intention to move to expunge the resolution condemning the President. He said in his speech * that he did this without consultation with any human being, and after having merely announced his intention so to do to one person; and this was the origin and meaning of the expression of which he was so fond, that he had "solitary and alone" originated this action. I know of no direct evidence as to who was the one person to whom Benton had announced his intention in the matter, but think it likely that Jackson was referred to. In this speech, Benton said:

"The public mind was now to be occupied with a question of the very first moment and importance, and identical in all its features

* C. D., vol. x., part 1, 1833–34, pp. 1347–1352. View, i., pp. 428–430.

with the great question growing out of the famous resolutions of the English House of Commons in the case of the Middlesex election in the year 1768; and which engrossed the attention of the British empire for fourteen years before it was settled. That question was one in which the House of Commons was judged, and condemned, for adopting a resolution which was held by the subjects of the British crown to be a violation of their constitution, and a subversion of the rights of Englishmen: the question now before the Senate, and which will go before the American people, grows out of a resolution in which he (Mr. B.) believed that the Constitution had been violated—the privileges of the House of Representatives invaded—and the rights of an American citizen, in the person of the President, subverted. The resolution of the House of Commons, after fourteen years of annual motions, was expunged from the journal of the House; and he pledged himself to the American people to commence a similar series of motions with respect to this resolution of the Senate. He had made up his mind to do so without consultation with any human being, and without deigning to calculate the chances or the time of success. He rested under the firm conviction that the resolution of the Senate, which had drawn from the President the calm, temperate, and dignified protest, which had been read at the table, was a resolution which ought to be expunged from the journal of the Senate; and if anything was necessary to stimulate his sense of duty in making a motion to that effect, and in encouraging others after he was gone, in following up that motion to success, it would be found in the history and termination of the similar motion which was made in the English House of Commons to which he had referred. That motion was renewed for fourteen years—from 1768 to 1782—before it was successful. For the first seven years the lofty and indignant majority did not condescend to reply to the motion. They sunk it under a dead vote as often as presented. The second seven years they replied; and at the end of the term, and on the assembling of a new Parliament, the veteran motion was carried by more than two to one; and the gratifying spectacle was beheld of a public expurgation, in the face of the assembled Commons of England, of the obnoxious resolution from the journal of the House. . . .

"Mr. B. said there were three characters in which the Senate could act; and every time it acted it necessarily did so in one or the other of these characters. It possessed executive, legislative, and judicial characters. As a part of the executive, it acted on treaties and nominations to office; as a part of the legislative, it assisted in making laws; as a judicial tribunal, it decided impeachments. Now,

in which of these characters did the Senate act when it adopted the resolution in question? Not in its executive character, it will be admitted; not in its legislative character, it will be proved: for the resolution was, in its nature, wholly foreign to legislation. It was directed, not to the formation of a law, but to the condemnation of the President. It was to condemn him for dismissing one Secretary because he would not do a thing, and appointing another that he might do it; and certainly this was not matter for legislation; for Mr. Duane could not be restored by law, nor Mr. Taney be put out by law. It was to convict the President of violating the constitution and the laws; and surely these infractions are not to be amended by laws, but avenged by trial and punishment. The very nature of the resolution proves it to be foreign to all legislation; its form proves the same thing; for it is not joint, to require the action of the House of Representatives, and thus ripen into law; nor is it followed by an instruction to a committee to report a bill in conformity to it. No such instruction could even now be added without committing an absurdity of the most ridiculous character. There was another resolution, with which this must not be confounded, and upon which an instruction to a committee might have been bottomed; it was the resolution which declared the Secretary's reasons for removing the deposits to be insufficient and unsatisfactory; but no such instruction has been bottomed even upon that resolution; so that it is evident that no legislation of any kind was intended to follow either resolution, even that to which legislation might have been appropriate, much less that to which it would have been an absurdity. Four months have elapsed since the resolutions were brought in. In all that time there has been no attempt to found a legislative act upon either of them; and it is too late now to assume that the one which, in its nature and in its form, is wholly foreign to legislation, is a legislative act, and adopted by the Senate in its legislative character. No! This resolution is judicial; it is a judgment pronounced upon an imputed offence; it is the declared sense of a majority of the Senate, of the guilt of the President of a high crime and misdemeanor. It is, in substance, an impeachment —an impeachment in violation of all the forms prescribed by the constitution—in violation of the privileges of the House of Representatives—in subversion of the rights of the accused, and the record of which ought to be expunged from the journal of the Senate."

The motion to expunge was made light of and treated almost with scorn by the opposition and found but little support even among the President's friends. But Benton

seems to have had the most supreme confidence of final triumph. He appreciated the enormous personal popularity of Jackson in a way that few even of the President's intimates did, while the whole opposition were as hopelessly ignorant of the impression this matter would make on popular feeling as they were at every stage of the bank contest.

At first Benton merely gave notice of his intention, and on the last day of the session submitted a motion upon the subject, but at the next session (1834–35) he introduced a formal resolution which recited at length the condemnation of the President and concluded that the same be and "hereby is ordered to be expunged from the journals of the Senate; because the said resolution is illegal and unjust, of evil example, indefinite and vague, expressing a criminal charge without specification; and was irregularly and unconstitutionally adopted by the Senate in subversion of the rights of defence which belong to an accused and impeachable officer; and at a time and under circumstances to endanger the political rights, and to injure the pecuniary interests of the people of the United States."

By this time several legislatures had instructed their State's Senators to vote for the intended motion to expunge, and Benton now made his leading speech in favor of the measure, believing this, as he says, to be the proper time to do so, "in order to produce its effects on the elections of the ensuing summer." This speech necessarily covered a wide ground and is too long to be reproduced here, but he cited several historical instances (which will be referred to later) where obnoxious portions of the journals of legislative bodies had been expunged, and the following extract will show how he strained to meet some of the objections made to his proposal:

"He had very anxiously considered during that period [while the resolution to be expunged was under consideration] all the difficulties and all the proprieties of the step which he meditated.

Was the intended motion to clear the journal of the resolution right in itself? The convictions of his judgment told him that it was. Was expurgation the proper mode? Yes; he was thoroughly satisfied that that was the proper mode of proceeding in this case. For the criminating resolution which he wished to get rid of combined all the characteristics of a case which required erasure, obliteration, blotting out; for it was a case, as he believed, of the exercise of power without authority, without even jurisdiction; illegal, irregular, and unjust. Other modes of annulling the resolution, as rescinding, reversing, repealing, could not be proper in such a case; for they would imply rightful jurisdiction, a lawful authority, a legal action, though an erroneous judgment. All that he denied. He denied the authority of the Senate to pass such a resolution at all; and he affirmed that it was unjust, and contrary to the truth, as well as contrary to law. This being his view of the resolution, he held that the true and proper course, the parliamentary course of proceeding in such a case, was to expunge it.

"But, said Mr. B., it is objected that the Senate has no right to expunge any thing from its journal; that it is required by the Constitution to keep a journal; and, being so required, could not destroy any part of it. This, said Mr. B., is sticking in the bark, and in the thinnest bark in which a shot, even the smallest, was ever lodged. Various are the meanings of the word keep, used as a verb. To keep a journal is to write down, daily, the history of what you do. For the Senate to keep a journal is to cause to be written down, every day, the account of its proceedings; and, having done that, the constitutional injunction is satisfied. The constitution was satisfied by entering this criminating resolution on the journal; it will be equally satisfied by entering the expunging resolution on the same journal. In each case the Senate keeps a journal of its proceedings.

"It is objected, also, that we have no right to destroy a part of the journal; and that to expunge is to destroy and to prevent the expunged part from being known in future. Not so the fact, said Mr. B. The matter expunged is not destroyed. It is incorporated in the expunging resolution, and lives as long as that lives; the only effect of the expurgation being to express, in the most emphatic manner, the opinion that such matter ought never to have been put in the journal." *

After this speech the resolution was laid upon the table, and there Benton intended it should stay, as there

* C. G., vol. xi., part 1, 1834–35, pp. 631, 632.

was, of course, no hope of making any impression on the then Senate, which consisted of the same members who had passed the original resolution of censure. But the opposition took pleasure in forcing the measure to a vote on more than one occasion against his wishes for the purpose of exhibiting their power to defeat it, and on the last day of this session of 1834–35 it was called up and Benton found himself so nearly without support that he weakened for a moment under circumstances in which most men would have surrendered unconditionally.

The main difficulty was that many held the motion to *expunge* to be a violation of the constitutional provision that the Senate shall "keep a journal," and now White, of Tennessee, who had been generally a supporter of Jackson, moved on this ground to strike out that word and insert "rescind, reverse, and make null and void." Benton says that many of his friends then came about him importuning him to give up the obnoxious word, and that finally, seeing himself almost deserted, he yielded a reluctant assent and "voted with others of his friends to emasculate his own motion."

Webster arose at once and exulted in the amendment. The word in particular which rendered the resolution offensive, he said, had been given up. "That which made this resolution, which we have now amended, particularly offensive, was this: it proposed to expunge our journal. It called on us to violate, to obliterate, to erase, our own records. It was calculated to fix a particular stigma, a peculiar mark of reproach or disgrace, on the resolution of March last. . . . Now, sir, all this, most happily, is completely defeated by the almost unanimous vote of the Senate which has just been taken. The Senate has declared, in the most emphatic manner, that its journal shall not be tampered with. I rejoice most heartily, sir, in this decisive result. The attempt to induce the Senate to expunge its journal has failed, signally and effectually failed.

The record remains, neither blurred, blotted, nor disgraced."

The amended resolution was then laid upon the table by a vote of twenty-seven to twenty.

"The exulting speech of Mr. Webster," concludes Benton, "restored me to my courage—made a man of me again; and the moment the vote was over,* I rose and submitted the original resolution over again, with the detested word in it—to stand for the second week of the next session—with the peremptory declaration that I would never yield it again to the solicitations of friend or foe."

Benton had from the first supposed that it would be years before the resolution to expunge would be carried, and had hardly looked for success until after the retirement of Jackson; but the movement grew rapidly, and before the end of Jackson's second term a majority of the States had either by resolution or by replacing their Senators or by formal instructions to them declared in favor of expunging. The opposition claimed that this result was only reached by an unsparing use of federal patronage, but they did not appreciate the immense underlying popularity of Jackson nor the unquestionable fact that the resolution intended to be expunged was an act of injustice to that popular favorite and ought never to have been passed. At the same time there is reason to suppose that Jackson was much interested in the accomplishment of the "expurgation," and it may safely be assumed that his lieutenants throughout the country did not neglect to impress upon their subordinates the importance of agitating the question.

The resolution was introduced by Benton four separate times at as many sessions in somewhat different

* According to the Congressional Debates, Benton's new motion was not made until the evening session of the same day.

forms, but at length, in the session of 1836–37, the last of Jackson's second term, a majority was known to be in favor of expunging, and Benton introduced it for the last time, choosing for the purpose the 26th of December, which was the third anniversary of the day on which Clay had first moved the censure. The form of the resolution was changed, and it now recited at length the proceedings leading up to the final vote.

On Saturday, the 14th of January, 1837, the Democratic Senators held a meeting at the then famous restaurant of Boulanger, to agree upon the final steps, and were in session until midnight. Much had to be conceded by different persons, and Benton writes that there was in particular much discussion as to the mode of expurgation. He adds that actual obliteration was the mode he wanted to adopt, but it was given up and that fixed upon * was adopted from the resolutions of the General Assembly of Virginia; he agreed to this, he says, upon being allowed "to compose the epitaph,"—*i.e.*, the words which were to be written across the face of the obnoxious resolution.

The members of the caucus then agreed that the measure should be called up on the following Monday, and that there should be no adjournment until it was passed. "Expecting," Benton goes on, "a protracted session, extending through the day and night, and knowing the difficulty of keeping men steady to their work and in good humor, when tired and hungry, the mover of the proceedings took care to provide, as far as possible, against such

* This method of expunging was evidently agreed upon at the preceding session, for it was contained in the resolution then introduced by Benton. He said in the debate that he had agreed to this form so as to free the discussion from the objection that a physical destruction or obliteration of the record would be a violation of the constitutional provision (C. D., vol. xii., part 1, 1835–36, pp. 877–880).

a state of things; and gave orders that night to have an ample supply of cold hams, turkeys, rounds of beef, pickles, wines, and cups of hot coffee, ready in a certain committee-room near the Senate Chamber by four o'clock on the afternoon of Monday."

At the session on that day Benton made a speech * in which he did not again argue the subject at any length, but referred to the many evidences of popular approval of the measure now before them, and contended that these expressions of the popular will were binding and obligatory. He gave a very good review of the leading events of Jackson's career, who, as he said, was in a little more than forty days to step down from the position of vast power which he had long occupied and to cease to be a public character. His peroration was as follows:

"And now, sir, I finish the task which, three years ago, I imposed on myself Solitary and alone, and amidst the jeers and taunts of my opponents, I put this ball in motion. The people have taken it up, and rolled it forward, and I am no longer any thing but a unit in the vast mass which now propels it. In the name of that mass I speak. I demand the execution of the edict of the people; I demand the expurgation of that sentence which the voice of a few Senators, and the power of their confederate, the Bank of the United States, has caused to be placed on the journal of the Senate; and which the voice of millions of freemen has ordered to be expunged from it."

Not many speeches were delivered on the affirmative side of the question, but a number were made against the resolution, and night came on with the expungers visibly determined to see the matter through. They had resorted to the committee-room and its refreshments in parties of a few at a time, so as always to leave enough members on watch, and had even extended its hospitalities to such of their opponents as could sufficiently maintain their good temper to be willing to avail themselves of the invitation.

* C. D., vol. xiii., part 1, 1836–37, pp. 380–391.

Finally, the great leaders,—Clay, Calhoun, and Webster,—feeling (so Benton thinks) that the inevitable hour had come and that they could no longer afford to be silent, made those speeches against the resolution which have been so often quoted; and near midnight two opposition Senators came to Benton, while Webster was speaking, and announced that, as there was no doubt of the final result and the contest had become one merely of physical endurance, their side would say no more. When Webster closed, "there was a pause, a dead silence, and an intense feeling," and then came calls for the question, and the resolution was carried by twenty-four votes to nineteen. Benton then moved that the resolution be forthwith executed, whereupon the original manuscript journal of the Senate was brought in, opened at the page containing the resolution of censure, and the secretary of the Senate proceeded, in pursuance of the terms of the resolution just passed, to draw broad black lines around the portion in question, and to write across its face in strong letters the words "Expunged by order of the Senate this 16th day of January, 1837."

All this time the floor of the Senate, as well as the galleries and lobbies, was filled with a mass of onlookers hardly able to budge. Similar crowds had gathered on several other occasions during the progress of the contest with the bank, nor had they hesitated at times to express their feelings in minor disturbances, but during the proceedings in regard to expunging their conduct was such that some of Benton's friends sent out for arms and gathered about him, feeling that he was sure to be the storm-centre of any disturbance that might occur. They even procured arms for him, too, and urged him to carry them, but he refused. It has been said * that he expected to be

* By Senator Vest in his speech in Benton Statue Proceedings, p. 85. The fact of Benton's friends procuring arms for him and his

assassinated on this occasion, and it is quite evident that some hostile manifestation had been anticipated. Mrs. Benton was present, preferring to be near her husband at this anxious culminating moment of a long contest.

In the closing speech Webster had made an unfortunate reference to his ignorance of the feelings with which the hundreds of citizens present would regard the "ruthless violation of a sacred instrument" about to be exhibited; and hardly had the secretary begun the process of expunging when "a storm of hisses, groans, and vociferations arose from the left wing of the circular gallery, over the head of Senator Benton." The galleries were ordered to be cleared in accordance with the rules, but Benton at once said:

"I hope the galleries will not be cleared, as many innocent persons will be excluded, who have been guilty of no violation of order. Let the ruffians who have made the disturbance alone be punished; let them be apprehended. I hope the sergeant-at-arms will be directed to enter the gallery, and seize the ruffians, ascertaining who they are in the best way he can. Let him apprehend them and bring them to the bar of the Senate. Let him seize the bank ruffians. I hope that they will not now be suffered to insult the Senate, as they did when it was under the power of the Bank of the United States, when ruffians, with arms upon them, insulted us with impunity. Let them be taken and brought to the bar of the Senate. Here is one just above me that may easily be identified—the bank ruffians."

In accordance with this suggestion Benton says that the ringleader was arrested and brought to the bar, whereupon the rest were intimidated and the expunging process went on in silence. Jackson was immensely gratified at this triumph, and gave a grand dinner to the "expungers" and their wives; but, being too weak to sit at the table, he confined himself to meeting the company and placed Benton, as the "head-expunger," in his chair, while he

refusal to carry them was testified to by Senator Jones before the committee of investigation of the Foote-Benton quarrel (31st Cong., 1st Sess., Senate Committee Reports, No. 170, p. 19).

himself withdrew to his sick-chamber. Benton closes his account of the matter with the remark, "That expurgation! it was the 'crowning mercy' of his civil—as New Orleans had been of his military—life." *

A vast personal and political triumph it was beyond doubt for the President, who was so soon to retire to private life. In one sense it may be said to have been a struggle for years over a few words of no import in action, but it had an immense influence on popular feeling and belief, and served to demonstrate that public opinion had at last decided that the President had been greatly wronged when the adverse leaders of the Senate, in the heyday of their power, had without trial or hearing found him guilty of an impeachable offence.

That the resolution of censure ought never to have been passed seems very sure, and the acts which were in reality referred to by the vague resolution are now very often admitted, even by opponents, to have been within the President's power. But even conceding that they were not, the reasons against the *Senate's* passing such a condemnation were very strong, as has been sufficiently intimated already. This was always the opinion of John Quincy Adams, and he had so stated "with much earnestness" to at least two Senators who had consulted him at the time when the censure was under discussion.

During his own presidency a resolution had been introduced into the Senate reciting that he claimed a right to appoint ministers to the Panama Congress without the advice of the Senate, and protesting against the claim.

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* In my account of the expunging resolution I have, as to Benton's motives, largely followed his account in the View, i., pp. 428–432, 525, 528–550, 717–731. See also C. D., vol. x., part 1, 1833–34, pp. 1347, etc.; vol. xi., part 1, 1834–35, pp. 253, etc., 510, etc., 631, etc., 723, etc.; vol. xii., part 1, 1835–36, p. 877, etc.; vol. xiii., part 1, 1836–37, pp. 128, 380, etc., 428–506.

But that protest is very much easier to defend than is the censure of Jackson in 1834; for, though Adams had in his message at the opening of the session stated that "ministers will be commissioned to attend" at the deliberations at Panama, yet he sent the nominations on December 26 to the Senate, and said that, "although this measure was deemed to be within the constitutional competency of the Executive, I have not thought proper to take any step in it before ascertaining that my opinion of its expediency will concur with that of both branches of the legislature: first, by the decision of the Senate upon the nominations to be laid before them; and, secondly, by the sanction of both Houses to the appropriations, without which it cannot be carried into effect."

He had therefore committed no act for which he could possibly have been impeached; he had merely claimed a certain abstract right, and as to the matter in hand had submitted himself to Congress and almost asked its opinion. Yet he was very clear that the Senate had no right, even in that case, to pass the resolution, and was highly indignant that it should so undertake to make itself "a secret tribunal or inquisition of state, in which they constitute themselves accusers, triers, judges, and executioners against the President of the United States upon impeachable matters, without hearing him, without even informing him that they are receiving charges against him." *

The gist of the whole expunging movement lay in the

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* Diary, vii., p. 100. Benton had voted against laying these resolutions on the table, but does not seem to have expressed any final opinion on them. C. D., vol. ii. (1825–26), p. 642. Branch's resolution, as amended, is to be found at pp. 404, 405. It protested against the claims of power so as to prevent the growth of a precedent. Adams wrote (Diary, vii., p. 99) that Branch "states me to have asserted what I do not assert." See Diary, ix., p. 116, for Adams's opinion as to the resolution against Jackson.

desire to put a special stigma upon the censure of Jackson, and this was what caused its sting. The leaders who had fathered the resolution did not like to see their handiwork thus held up to scorn and condemnation, while such was the very purpose the expungers had in view. Hence flowed all the tears in the matter.

It was distinctly shown in the debates that expunging was the method which had been adopted in other important instances in party warfare to mark with opprobrium or even to blot out of existence some specially detested measure which had been adopted in heated party contests. Thus, in the famous case of Wilkes he had for many years made motions to expunge from the journal of the House of Commons a certain resolution in regard to himself, and had finally succeeded with the concurrence of a very large majority.

In a case in Jefferson's time the Senate had by formal resolution "expunged" and absolutely excluded from its journal a statement that certain filibusters thought they had Executive sanction which had been intended, of course, to reflect on the President. This was, it is true, done on the same day on which the memorial containing the statement was presented, but *after* the actual fact of presentation; and no trace whatsoever of it remained even in the manuscript copy of the journal. Benton's industry unearthed at length from the garret of the Capitol the dusty unbound sheets which the clerk had kept during the session in question and with the aid of which he had later made up the fair copy, and only in these old dusty papers was to be found the true record of that day's events, while not a word of the matter expunged or of the resolution to expunge was to be found either in the manuscript journal proper or in the printed copies thereof. And, in Massachusetts, Quincy's resolution against rejoicing in the naval victories of the War of 1812 had been a few years later formally directed by resolution to be "ex-

punged from the journals of the Senate." Other precedents also exist in our States.*

Some of the cases that were cited are probably distinguished by the special provision as to keeping a journal contained in the federal Constitution, but Benton stated that in others there was precisely the same provision as that relating to the United States Senate, and it cannot be doubted that some of the precedents went vastly further than Benton's resolution in its final shape. In his proposals, moreover, the matter to be expunged was generally or always recited *verbatim* in the resolution to expunge, and thus preserved in perpetuity.

It is hard to see how there can be any constitutional objection to what was actually done in the case, for the Senate journal of March 28, 1834, exists to-day and has been "kept." To draw lines around it and to write certain words across its face, as was done, has not at all destroyed it, and that day's original journal can be read now as well as before: † but there would in the writer's opinion have been at least a technical failure to "keep a journal," if Benton's early wish for actual obliteration

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* According to John Quincy Adams (Diary, i., pp. 439, 440), who was a member of the Senate at the time of the expunging in Jefferson's time (1806), the clerk had not altogether followed the directions of the Senate and its presiding officer in the matter. The intention seems to have been that the resolution to expunge should appear in the journal, but there can be no doubt that the matter ordered to be expunged was intended to be entirely excluded. The precedents are reviewed by Benton in C. D., vol. xi., part 1, 1834–35, pp. 32–35. Ibid., xii., part 1, 1835–36, pp. 887–891, and see pp. 946–948. See also speeches of Rives and of Leigh, of Virginia (C. D., vol. xii., part 1, 1835–36, pp. 981, etc., 1058, etc.; Niles's Register, vol. l., pp. 168, 173). Rives quotes several cases not mentioned by Benton, while Leigh argues against them all.

† Schouler (History of United States, iv., p. 239) writes that "the record of censure is to be read on the book under the black, almost as plain to-day as it ever was."

had been carried out; for, although the obnoxious matter would have been contained in full in the resolution to expunge, and thus the doings of the Senate on that particular day would have been actually preserved in the Senate records, yet it would not have been in the place where it ought to be and where the Constitution has directed that it shall be kept.

It is not without instruction to note that in the ups and downs of political life the Whigs came near to having their day upon the matter of purifying the Senate's records. When they came into power in 1841, Bayard, of Delaware, under instructions from his State Legislature, introduced in turn a resolution to expunge Benton's expurgation and to restore the journal to its pristine purity. Benton, of course, met this at once with opposition; but Bayard, though he presented his resolution at two sessions,* on both occasions asked to have it lie over until the next session and then did not call it up. Doubtless the Whigs felt that the physical difficulty of restoring the journal was insuperable; but, besides this, they found themselves too disorganized and too disappointed in their once high hopes to venture upon taking up another fight on a side issue.

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* C. G., 27th Cong., 1st Sess., p. 452. Ibid., 27th Cong., 2d Sess., p. 977.

CHAPTER XV

NULLIFICATION—THE TARIFF—THE SPECIE CIRCULAR—EXECUTIVE PATRONAGE—THE BANKING AND CURRENCY SYSTEMS—THE CHANGE OF RATIO OF GOLD AND SILVER—THE SUB-TREASURY—TYLER AND THE WHIG MEASURES OF 1841—THE PANIC OF 1837

DURING the days of the bank struggle other matters of immense importance to the American people were also under discussion, and it is one of the many proofs of the power and capacity of Jackson that he was able to guide the ship of state in safety through the hosts of perils that loomed up on all sides at that period. In one sense none was more dangerous than nullification.

State rights in general was nothing new, nor was the threat of actual State resistance to federal laws, for such had been heard before at different times in several parts of the country. But the idea was worked out in great perfection in 1832–33, and was on the very verge of actual application under formally passed State laws, so that an armed conflict was narrowly averted at a time when any student will know that the relative power of the federal government had by no means grown to that degree which enabled it thirty years later to meet and destroy a still more formidable opposition.

It is not at all clear to what extent the popular feeling in the North would at that time have supported a civil war waged for the purpose of crushing the resistance to the tariff laws in South Carolina. The idea of nationality had undoubtedly received an enormous impetus through the famous debate of Webster and Hayne, but

it is impossible to know to what extent this had grown by 1833.

It has been seen that Benton took an important part in that debate, speaking always on the same side as the South and chiefly against Webster, but his speeches had little or nothing to do with the question of the constitutional rights of a State. His feelings up to that time and later were almost entirely with the South, and in the matter actually involved in the resolution under discussion the South and West were united, so that he naturally opposed the New England view upon the main question. And he expressly writes that at the time the doctrine of nullification "did not at all strike me as going the length which it afterwards avowed; nor have I ever believed that Mr. Hayne contemplated disunion, in any contingency, as one of its results."

His understanding was that Hayne had in view the same remedy which Benton contends the Virginia and Kentucky resolutions of 1798 and 1799 contemplated,—the initiation of "a State movement by two-thirds of the States (the number required by the fifth article of the federal Constitution), to amend, or authoritatively expound the Constitution." But it was not long before he learned his error in this respect.

It is more than likely that conversation with Southern men began soon to open his eyes, and it is evident that the famous Jefferson Birthday Dinner on April 13, 1830, helped to disabuse him. He was of course a subscriber to the dinner, and found, upon his arrival a little late, that those present were gathering in clusters and talking with animation about something serious. He soon discovered that the conversation related to the regular toasts, and that many objected to the strong dose of nullification contained in them, while some even went away, declining to be connected with the effort thus to make Jefferson the father of the doctrine.

The famous volunteer toast given by Jackson later in the evening—"Our Federal Union: It must be preserved"—was, Benton writes, "received by the public as a proclamation from the President, to announce a plot against the Union, and to summon the people to its defence." Calhoun's toast—"The Union: next to our Liberty the most dear: may we all remember that it can only be preserved by respecting the rights of the States, and distributing equally the benefit and burthen of the Union"—served to emphasize the other view, and in Benton's opinion the phrases contained in it "connecting themselves with Mr. Hayne's speech, and with proceedings and publications in South Carolina, unveiled Nullification as a new and distinct doctrine in the United States, with Mr. Calhoun for its apostle, and a new party in the field of which he was the leader. The proceedings of the day put an end to all doubt about the justice of Mr. Webster's grand peroration [in his speech in the debate with Hayne], and revealed to the public mind the fact of an actual design to dissolve the Union." *

I have not found that Benton took any part in the actual developments of the struggle over nullification, and, so far as the Congressional Debates and the "Thirty Years' View" show, he neither spoke nor voted on the Force Bill. The reasons for this are not clear, unless he found it embarrassing to come out in opposition to the side with which he had acted in the recent Hayne-Webster debate. But, whatever may have been the actual motives for his course at the time, he came in later years to regard the struggle as one of vast moment to our very existence, and in more than one instance expresses the greatest ad-

* View, i., p. 148, and see ibid., pp. 46, 138, 141, 142. See also Abridgment of the Debates of Congress, vol. x., p. 449, foot-note, where, however, Benton says that he did not believe in the existence of a design of forcible resistance to the tariff laws until the passage of the nullifying ordinance of November, 1832.

miration for the position Webster gained at the time through his support of the measures which were carried out by a President of the opposite party. Probably Webster could hardly have done otherwise after his debate with Hayne, but Benton says * truly:

"It was a proud era in his life, supporting with transcendent ability the cause of the constitution and the country, in the person of a chief magistrate to whom he was politically opposed, bursting the bonds of party at the call of duty, and displaying a patriotism worthy of admiration and imitation. General Jackson felt the debt of gratitude and admiration which he owed him; the country, without distinction of party, felt the same; and the universality of the feeling was one of the grateful instances of popular applause and justice when great talents are seen exerting themselves for the good of the country. He was the colossal figure on the political stage during that time; and his labors, splendid in their day, survive for the benefit of distant posterity."

In regard to the other leading measure by which the nullification troubles were set at rest,—the Compromise tariff of 1833,—Benton was most warmly opposed to it, and constantly calls it "a compromise between two politicians" (Clay and Calhoun). He writes in the "View" that his opinion at the time was that the troubles were being wisely settled by the government, when these two politicians took the subject out of its hands, set themselves up as a new power in the state, and regulated the matter by their private agreement, which was then relentlessly driven through Congress and thus given the forms of law. "A compromise made with a State in arms," he writes, "is a capitulation to that State," and he looked upon the bill as having been of very evil example by remitting our government to the state of the old confederation of acting upon sovereignties instead of upon individuals.

These were, he intimates, views expressed by him at

* View, i., pp. 333, 334. Ibid., ii., p. 124.

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the time; but, so far as the "Debates" show, his opposition to the bill in 1833 was based chiefly on the system of home valuation, which he thought would indirectly tend to raise the duties, and especially to raise them on goods imported by way of Southern ports. The provision to regulate the rates until 1842 was also either then or later specially obnoxious to him; and he insists that the Congress of their day had no right to do this, and says he added that he should not be bound by its terms. He gives what he thinks was the secret history of the measures composing the compromise, and his opinion is that Clay had much less actual power in the matter than is usually supposed, while Calhoun found himself in an absolutely impossible position, and was then forced, much against his will, to vote for provisions which he bitterly detested, as the only means allowed him of escape. Benton takes some pleasure, too, in telling how "disturbed" Calhoun was at the threats of arrest said to have been made against him by Jackson.*

While writing of the tariff, it will be well to consider Benton's course and general beliefs upon that subject. He was by no means a believer in the doctrines of protection, and was very generally to be found on the side of lower duties. But, while this is in the main true of him from the start of his career to its end, he was not one of those theorists who pretend that they will never cast a vote which their private judgment disapproves. He had too much knowledge of public affairs not to appreciate that a statesman, in order to hold his position and be long of use to his constituents, must at times vote for measures he does not believe in, and consequently did so on this subject as well as doubtless others. But on the other hand,—and here is the real difference between him and the petty self-thought moralists, who want forever

* View, i., pp. 322–330, 342–344, 346.

to stand out on trifles,—his long career contains several instances in which, his mind being strongly made up on a matter he thought essential, he flung expediency to the winds and stood alone among his people, magnificent in his loneliness.

Writing in one place of the tariff, he says that he "often had to lament that a sense of duty to his own constituents required him to give votes which his judgment disapproved and his feelings condemned." And accordingly, when the tariff was amended in 1828, he moved an amendment raising the duty on lead—an article largely mined in Missouri—about one hundred per cent., and moved also higher rates on furs, molasses, hemp, and indigo. The last-named article was a production of the Southern States, but the members from that section were so opposed to the bill that they were unwilling to move the increase. Benton made the motion in order that the "'American system' should work alike in all parts of our America," but the proposal was defeated, as were all the others he made.

His close early association with the South and with Southern men doubtless led to his motion to raise the duty on indigo, and probably it was made only after prearrangement with Southern members. He thought it very wrong that the motion should be defeated at a time when the rates were being generally raised, and was of opinion that the South was very unjustly treated in the matter of the tariff. He voted for the Act of 1828 "in obedience to the will of his constituents," but thought it marked an era in our legislation. Begun on behalf of the woollen men, its advocates soon found themselves compelled to secure help from other interests, and this could only be done by admitting them to the benefits of the bill.

The result was a log-rolling measure of very high rates, which gave rise in Benton's opinion to nullification

and to the heart-burning between the North and the South. And in one instance he lamented the departure of the early harmonious days of a moderate tariff, "when the word tariff was never pronounced, and when, in respect to those laws, the mass of our population was in the happy condition of Molière's country gentleman, who had talked prose all his life without knowing it."

With the bargains made at times to give exorbitant rates to some particular manufacture, in order to secure the votes necessary to pass a bill, he had no patience, and would gladly expose and denounce them, and he showed also a strong dislike to taxing the whole country for the benefit of one or a few petty mills. Thus in 1842 he tried in vain to defeat a proposed tax on pins, which were, according to him, made only by two small factories in the country, and their product of a very coarse and inferior quality. Probably this provision was based on some log-rolling bargain, but at least one far worse case came under his notice.

While the Compromise Tariff of 1833, which was in general a bill to lower the rates, was pending, a provision was found in it materially raising the duty on a coarse cloth known as "Kendall cotton." This was, Benton says, an article exclusively for the laboring population, and was made by a few small factories in Connecticut and some other New England States. But, when a motion was made to strike it out, it was stated to be "an essential part of the compromise," and one member from New England said openly that "the passage of the bill depended upon it. If struck out, he should feel himself compelled to vote against the bill."

Benton not unnaturally looked upon this statement and several similar ones made at the time as admissions of the reception of a "douceur" to concilitate the votes which were to pass the bill, and at once denounced the provision. It would be far better, he said, as a point of

economy and justice, to purchase the few small New England factories and burn them. But the same votes which passed the bill in the end upheld this increase of rates. The provision here concerned was probably particularly obnoxious to him, for on several occasions in his career he moved to lower the duties on coarse woollens and coarse woollen blankets, as being articles not only of absolute necessity, but used also in the main by the laboring classes.

In 1844 he explained as follows his votes on the various great tariff laws: "I voted for the Act of 1824 cordially; for that of 1828 reluctantly; that of 1832 with more satisfaction, because it reduced duties on many necessaries, especially on coarse woollens and coarse blankets, which it brought down to 5 per cent.; I voted against the Compromise Act because I thought the horizontal line wrong in principle and for other reasons; voted against the Act of 1842 because I really believed it not only bad, but the worst Act that ever has been passed on the subject." And it may be added, as a sample of the underlying causes which always largely influence the course of legislation, that he thought the great Act of 1828 to have been primarily a move in the political game, devised for the purpose of forcing the adherents of Jackson to make themselves unpopular by opposing a measure the people wanted. He said of it in 1842 that "it was a bad act, brought forward for a political purpose . . . conceived by politicians for an insidious, and prompted by manufacturers for a mercenary, object; but the friends of General Jackson did not mean to be caught in the trap which was set for them. They voted for the act, about which the country had been worked into a fever, and in obedience to the will of their constituents."

As to-day *reciprocity* is much talked of and some think it the device of men of recent times, it will be well to say here that in 1840 Benton introduced for the second

time the resolutions upon the subject which he had offered in 1831. In the discussion not only did he use the word "reciprocity" in the identical sense of modern days, but the resolutions (as has been already explained) contained the very plan of governmental action for securing favorable treaties which modern public men are again trying to use as a sort of safety-valve or vent for the growing sentiment against the tariff wall. Benton maintained that his plan was merely a revival of the ideas advocated in 1793 in a report of Jefferson and in resolutions of Madison.*

Benton had in 1826, as chairman of a special committee, reported a constitutional amendment to prohibit the appointment of members of Congress to office until the expiration of the term of the President during which the member should have served, and he also at the same time presented a formal report and recommended the passage of six bills intended to lessen the patronage of the President. One of these required that in all nominations made to fill vacancies caused by the removal of the incumbent the President should state to the Senate the fact of removal and the reasons therefor, and another repealed the provision of the Act of 1820 giving a fixed term of four years to many commissions. The latter recommendation in particular would have removed a great evil, but the bills failed of passage.

Benton seems to have been always opposed to the way in which our Executive patronage has been administered, and there is no little reason † to think that he disapproved

* For Benton's opinions on the tariff, see C. D., vol. xiii., 1835–36, p. 884. C. G., 26th Cong., 1st Sess., pp. 176, 177, 270. Ibid., 27th Cong., 2d Sess., pp. 836, 943. Ibid., appendix, pp. 659–661. Ibid., 28th Cong., 1st Sess., pp. 429–432, 440. View, i., pp. 95–102, 319, 320. Ibid., ii., pp. 120–131.

† Such was, moreover, Mr. Shepard's opinion (Life of Van Buren, p. 180). See also the general views expressed by Benton in

of the extensive removals from office under Jackson, and he is even said by Parton * to have been one of "the six intimate friends" of the President who defeated the nomination of Henry Lee, which excited so much criticism because of the private character of the candidate; but, as the final vote in the Senate was unanimous against Lee, I do not understand Parton's statement, for I know of no evidence that Benton was specially active in bringing about the rejection.

There were bitter contests behind the closed doors of the Senate over several of Jackson's appointments, but, as a rule, Benton supported them on all divisions. There were, however, at least five instances † in which he voted against them, and he voted in favor of a resolution which was aimed against the President and expressed disapproval of the appointment of a citizen in one State to office in another without some evident necessity. This resolution plainly excited Jackson's anger, but Benton voted in favor of it a second time on a reconsideration, and then Jackson sent a message complaining of it as an unconstitutional restraint upon the action of the President.

This evidence is, in my opinion, too little on which

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his Autobiography. For Benton's report and opinions on the subject, see C. D., vol. ii., part 1, 1825–26, pp. 114, 672. Ibid., part 2, appendix, pp. 133–138. View, i., pp. 80, 162.

* Jackson, iii., p. 274, and see ibid., ii., p. 653.

† Executive Journal of the Senate. Cases of John P. Decatur and of Samuel Cushman, on March 29, 1830; of James B. Gardner, on May 10, 1830; of Samuel Gwin, on December 22, 1831, and on July 10, 1832. On February 27, 1833, Benton voted in favor of Gwin, and on March 2, 1833, the nomination to a like office was approved without apparent objection. The resolution referred to was passed in executive session on February 3, 1831; was reconsidered and again passed on March 2, 1833, and on that same day Jackson sent in his message of objection.

to base any conclusion that the relations between Benton and Jackson were seriously strained during part of Jackson's term of office, but I cannot escape the suspicion that such was the case. Both men were hot-headed and strong-willed, and Jackson could not understand or brook opposition. He thought he was always right and could not comprehend that a friend might take another view. Probably, moreover, the suspicion receives some confirmation from the fact, which has been shown from Benton's own words, that he was entirely ignorant of the intended removal of the public deposits. This step was taken in the autumn following upon the Senate vote on the resolution referred to, and Benton not only knew nothing of it, but was absent from Washington for some months prior to its issue. He would hardly have been in the dark on a vital question of policy during the latter part of Jackson's service, nor would he have been permitted to rusticate in Virginia while a matter of such importance was under consideration.

However this may be, there can be no doubt that Benton and Jackson were, at least during Jackson's second term, the closest of political friends, and that Benton had more influence upon public affairs then than at any other period of his career. Not only did he at times know in advance the opinions of Jackson, but the latter consulted him and took his advice. During the session of 1835–36 he had in concert with Jackson tried in vain to secure the passage of a law to lessen the reception of paper money at the land-offices for the purchase-money of lands; and when this effort failed and, shortly after the adjournment of Congress, Jackson decided, against the wish of his Cabinet, to issue the famous Specie Circular, Benton was not only evidently fully acquainted with the President's intentions, but was near by when the final Cabinet session upon the question was held, and

it was his hand which wrote the circular,* very closely in the form in which it was issued.

Jackson offered him the mission to Russia, and intended to nominate him to the command of the army, if war occurred with Mexico during his administration, and also, again, in the event of war with France in 1836; and in his last message advocated one of Benton's favorite measures, the repeal of the salt tax, and more than once advised the passage of laws upon the public lands similar to those for which Benton had long contended. Van Buren, too, who was so largely influenced by Jackson, urged Benton to enter his Cabinet as Secretary of War.†

At a later date Benton took occasion to defend Jackson from the furious attacks which had been made upon him for his removals from office, and maintained ‡ that in Missouri many officers of the opposite party had been allowed to serve out their terms and had even been reappointed; and he emphasized a truth, which many of our historians still persistently suppress, that Jackson was only the second President (Jefferson having been the first) to come into office upon a political revolution, and that both found the offices stuffed from the highest to the lowest with incumbents appointed almost to a man from the opposite party. Even to-day we do not expect a Republican or a Democrat to make a "clean sweep," when he succeeds a President of his own party; this result only follows upon a change. It was natural, then, that neither Madison nor John Quincy Adams, for instance, should make many removals. On the other hand, there have never been more complete changes of party

* View, i., p. 678. See also ibid., pp. 364, 458, 462.

† Benton's Autobiography.

‡ C. G., 26th Cong., 2d Sess., pp. 218, 219. This speech was made shortly before the Whigs were to assume the reins of office in 1841, and was of course colored by this fact.

control than those of 1801 and 1829, and, however undesirable it may be, many changes are now and were then unavoidable in such a case.

Benton's actions and opinions upon Jackson's removals from office are worthy of note as indicating his independence of character; but, despite these differences between him and the President, there can be no doubt that they were in general very close to each other during the eight years of Jackson's presidency.

Jackson's administration had broken away from the former method of managing the money affairs of the government, but no sufficient system had been constructed in its stead, and for a number of years financial questions were very much under discussion. The Democrats, and not a few public men of the opposite party, had a profound dislike and distrust of banks, and this feeling was by no means confined to a national bank, but extended to all such institutions. The general subject was much discussed on the bills which came up in a few years to recharter certain banks in the District of Columbia, and it was upon this occasion that John Quincy Adams wrote in his Diary * that "there is no more desperate undertaking than that of controlling the bank influence, and it is irredeemably and vitally dishonest." He had moved an amendment to make an express prohibition of an abuse then prevalent of banks actually paying dividends while specie payments were suspended by them, but his amendment was lost.

Benton also offered various amendments entirely in vain, and moved, for example, a substitute to incorporate small banks under several carefully guarded limitations. Among these were provisions against small notes, that nothing but gold and silver should compose the capital,

* Vol. ix., p. 546, *sub* May 29, 1838. See also C. G., 25th Cong., 2d Sess., pp. 18, 410, 415.

that the stock should be taxed like other property, that they should deal in nothing but gold and silver bullion and foreign and domestic bills of exchange, that their charters should be forfeited for buying or selling any current coin, and especially a liability on the part of stockholders to the amount of their stock to the institution's creditors, " in the event of the failure of the bank to pay gold and silver," with summary process against the stockholders for the recovery.

Here was probably a point of prime importance in Benton's mind, for he held that our banks had more than once stopped specie payments without any sufficient reason, and he was doubtless much outraged at the anomaly (which all must admit to be a most strange one) that one class of debtors should have the power simply to refuse for the time being to pay their debts—for that is what a stoppage of specie payments amounts to—and yet be in effect beyond the reach of legal process, and even in some cases go on paying dividends to their stockholders at the very time when they were thus refusing to pay their debts to the outside world.

The provision for summary process against the stockholders in such cases was of course intended to stop this anomaly, as was also a provision which Van Buren urged in his message at the special session in 1837 and which Benton and others advocated more than once, to extend the law of bankruptcy to banks. Benton's proposals were defeated, as was also his motion to require a specie reserve of one-third—which he contended was indicated by the experience of the Bank of England—instead of one-fourth. Other proposals made by him to tax banks and particularly their issues of notes met the same fate, both at this time and as late as 1855.*

* Some of the speeches and motions of Benton to which I have referred will be found at the following references: C. D., vol. xii.,

Another chief point which he insisted upon was the vital importance of having a large supply of the precious metals in use as currency. At the time we are concerned with, gold had entirely disappeared, and mere paper money was used enormously, both in governmental and in private exchanges. That much of this paper was utterly unsafe in times of stringency cannot be disputed, and the opponents of the United States Bank, though they had turned for a time from that institution to the State banks, were yet anxious to escape this connection, and it will be found that Benton maintained that they had only resorted to it temporarily, under the stress of a driving political necessity.

The Specie Circular was inspired by a desire to secure coin for the federal government and to put a stop to the inpouring of the notes of hundreds of banks which were conducted on unsound principles; and Benton and most of the supporters of Jackson's and Van Buren's administrations were hard-money men. And by this Benton at least did not only mean paper money intended to be convertible into coin at all times, but had in view a very extensive use of actual coin and an exclusive use of it in governmental affairs.

In one of his speeches, he said in a sententious style of oratory by no means confined to him at that day: "I am one of those who promised gold, not paper. I promised the currency of the Constitution, not the currency of corporations. I did not join in putting down the Bank of the United States to put up a wilderness of local banks. I did not join in putting down the paper currency of a national bank to put up a national paper currency of a

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part 2. 1835–36, pp. 1694, 1695, 1698–1720. C. G., 25th Cong., 2d Sess., pp. 360, 361. Ibid., appendix, pp. 330, 331. Ibid., 26th Cong., 1st Sess., appendix, pp. 502–510. Ibid., 26th Cong., 1st Sess., p. 54. Ibid., 27th Cong., 2d Sess., appendix, p. 754. Ibid., 33d Cong., 2d Sess., pp. 904, 905.

thousand local banks. I did not strike Cæsar to make Antony master of Rome."

In 1841 again he showed his dislike of paper in another way. Certain treasury notes bearing interest had been authorized by Congress and were allowed to be reissued after having once been paid, and the government was in the habit of paying all its creditors, including the salaries of members of Congress, in the proportion of two-thirds in these treasury notes and only one-third in specie. Benton felt that citizens could hardly successfully oppose this "forced unconstitutional tender," and determined himself to raise the question; so he had a warrant drawn on the Bank of Washington in his favor for a few days' salary, endorsed it "the hard, or a protest," and had it presented for payment by a notary. When the bank stated that only treasury notes had been deposited with it to meet the warrants, and declined to pay more than about one-third in specie, Benton had the note protested, and then called the matter up in the Senate * and moved a resolution of inquiry.

He says that this proceeding accomplished his purpose and that the forced tender of paper money was immediately stopped. Treasury notes were always among his detestations; and, when he was opposing their issue in 1846, he explained that in Van Buren's time, in 1837, he had only yielded his convictions to the fact that the government was confronted with the alternative of issuing them or seeing a bankrupt treasury. Speaking of his action on this measure, he said in the Senate on July 17, 1846, "I voted for it, but with a revulsion of stomach almost convulsive, and with a misgiving of the heart which proved to be prophetic."

He alsc repeatedly urged measures † to forbid the

* C. G., 27th Cong., 2d Sess., pp. 210, 211. View, ii., pp. 406–408.

† C. D., vol. xii., part 2, 1835–36, pp. 1745, 1746. Ibid., vol. xiii., part 1, 1836–37, pp. 603, etc. C. G., 25th Cong., 2d Sess., pp. 16, 20,

issuing of any bank-note under twenty dollars, and said he would have preferred to make the limit one hundred dollars. His object in this measure was to create a demand for coin, and he repeatedly inveighed against the prevalence of paper among us, and spoke in the highest terms of the French system and their large amount of actual gold and silver in daily use. He contended also against our exclusion of nearly all foreign coin, and maintained that the Constitution had meant that such coin should circulate among us as currency (as it had done earlier), and it was not many years before he had some success in this direction.

One influence which led him to this contention was that it was doubted whether there existed gold and silver enough to carry on all the commerce of the world, and this he met by elaborate statistics; but the chief motive guiding him was probably his belief that in no other way could the West secure any gold, for the trend of commerce caused currency to flow from there to the Northeast. He wanted to let foreign coin come in to fill this vacuum, by way of the Mississippi, in payment for the large trade down that river.

So persistently did he urge all these measures for supplying hard money to the country that for a time his opponents called him "Gold Humbug," but this term of opprobrium gave way to the nickname of "Old Bullion," while the gold coins which began in a few years "to shine through the interstices of the long silken purse and to be locked up safely in the farmer's trusty oaken chest" were dubbed "Benton's mint-drops;" and more than one story has been told of his dogged and universal adherence to his

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42, 49. It is of interest to find that Nicholas Biddle also was against small notes—by which, however, he meant those under five dollars—and in favor of a wider metallic basis for the currency. Catterall's Second Bank, p. 450.

principles on this subject and of repeated refusals by him to accept in change for gold what he called "a pestilential compound of lamp-black and rags, yclept governmental paper."

An eye-witness * has, for instance, told me of seeing him hand a twenty-dollar gold piece to a hotel clerk to pay his bill; and, when offered notes in change, Benton made the clerk go and get coin, saying to his companion: "This is the money the Constitution provides, and I will not have anything to do with any other kind." And his son-in-law once saw a precisely similar scene, Benton exclaiming, "What! Do you want a coroner's jury to sit and say, 'Old Bullion died of shinplasters?'" On a long journey he made to the South in 1837, he says he always gave out specie in payment and was never offered rags; and he thought that no one would carry notes when he could get coin.

An inspiring view of the statesmanlike methods of that day is afforded by a discussion in the Senate in 1834, upon Webster's motion for leave to bring in a bill to revive the United States Bank. It is evident that Calhoun, Benton, and Silas Wright had been comparing views as to the best mode of putting the government's finances upon a sound basis, and had found so many points of agreement that they arranged to explain their opinions. Webster's motion for a new bank was used for the purpose, and with Benton's consent Calhoun spoke first. He expressed himself strongly in favor of measures to do what he called "unbank the banks" and intended to lead to an increase of metallic currency, among which he specified provisions to stop gradually the issue of small notes, to require small payments to the federal treasury to be made in coin, and the raising of the value of gold in coinage so that it should come into the country as

* Hon. Isaac H. Sturgeon, long Comptroller in St. Louis.

coin; but Calhoun was in favor of a modified national bank, and thought the results aimed at could be attained in no other way.

As soon as Calhoun closed, Benton arose and made a long and carefully prepared speech * upon the subject, of course against a national bank, but otherwise in the same general line as Calhoun had urged. The plan of suppressing small notes was no new idea to Benton, who claimed to be its author, but he went also at length into the question of the ratio between the two chief metals of coinage, and later in the session a statute was passed changing the ratio.

It is conceded that under the old law gold was undervalued at fifteen to one, and Benton writes † that at first the general opinion was that fifteen and five-eighths to one was the true ratio; but he studied the subject from the experience of the Spanish dominions in South America, where he found that for three hundred years the proportion had been sixteen to one and the two metals had, as a matter of fact, circulated concurrently all the time; and he succeeded in convincing members that this was the true ratio, so that a law establishing it was passed by both Houses by large majorities. It appears to be the general opinion that this ratio undervalued silver, and that metal consequently in turn largely disappeared. This tendency was of course greatly augmented by the vast discoveries of gold made some years later, and further legislation became necessary to keep even minor silver coins from disappearing from circulation.

During these years when the whole financial manage-

* C. D., vol. x., part 1, 1833–34, pp. 1073–1107. Calhoun's speech immediately precedes that of Benton. See also View, i., pp. 434–458.

† View, i., pp. 469, 470. Benton maintained that the new ratio proved accurate and said in the end of 1837 that "the premium on American gold and American silver is now exactly the same." C. G., 25th Cong., 2d Sess., p. 43.

ment of the country was so much under discussion, one of the greatest difficulties to be solved was the safe keeping and paying out of the federal moneys, and the solution of this by the sub-treasury system was the great accomplishment of Van Buren's day. The plan was not altogether new, and had indeed been proposed in outline in 1834, but was then opposed by the administration members.

Benton explains that they had felt that Jackson was not strong enough to meet the hostility both of the United States Bank and of the State banks at once, and that hence it was a political necessity to avoid the opposition of the State banks and to use them for a time as a "half-way house." At least in 1836, however, he had in mind the idea of seeing "the federal government wholly disconnected from the local banks" and of using "the mints and branch mints, with a few additional ones, as places of deposit for the public moneys;" and he proposed measures in this general direction in Congress at about that time.*

These general ideas were floating in the minds of numbers of public men for some years, but to Van Buren undoubtedly belongs the chief credit for the measure. Not only did he largely formulate the plan which was adopted, but it was his energy and courage which put it on the statute-book. Proposed in his first message as President at the special session which the distress and panic of the time forced him to call, it failed for some years, and became a law only after the most bitter opposition, upon the fourth effort in June, 1840. Benton, of course, supported it most earnestly; but it was destined to be soon repealed by the Whigs as one of the first measures they passed after their triumphant entrance upon

* View, i., pp. 158, 554. C. G., 26th Cong., 1st Sess., appendix, pp. 120, 121.

power in 1841; they failed, however, in the effort to enact other laws upon the public finances, and the sub-treasury was again enacted by the Democrats early in the succeeding administration of Polk.

At the time of the repeal of the sub-treasury by the Whigs, they had intended to recreate a national bank, and it is needless to say that here they met with the most bitter opposition on the part of Benton,—particularly upon the second bill, which he thought was intended to bring the old United States Bank back to its former power by a provision that *corporations* might subscribe to the stock of the intended institution.

On one occasion during these debates he announced that he declared war upon the proposed bank and should "devote himself, regardless of all earthly consequences, to its utter destruction," and again that he was against the institution "as the Babylonish harlot of our morals and politics; he had enlisted for the war against her; he wanted no quarter; and he was ready to take political death at any moment that it would come in so 'just and holy a cause.'" When, upon the veto by Tyler of their first bill upon the subject, the Whigs strove to overcome the scruples of the ultra strict constructionist whom they had been the means of putting in the presidential chair, by the use of an absurd title for the proposed bank, describing it as "a corporation to be styled the Fiscal Corporation of the United States," the whole Senate appreciated the folly of the lengthy title, and Benton threw the members into laughter by the story of a Mississippi steamer, which had been named "La Belle Créole" after a beautiful girl in New Orleans.

This fine title was printed in golden letters on the steamer's sides, but nothing could save the name "from the catastrophe to which all long titles are subjected. It was immediately abbreviated, and in the abbreviation sadly deteriorated. At first they called her *the bell*—not

the French belle, which signifies fine or beautiful—but the plain English bell, which in Holy Scriptures was defined to be a tinkling cymbal. This was bad enough, but worse was coming. It so happens that the vernacular pronunciation of *creole* in the Kentucky waters is *cre-owl;* so they began to call this beautiful boat the cre-owl; but things did not stop here. It was too extravagant to employ two syllables when one would answer as well and be so much more economical; so the first half of the name was dropped and the last retained; and thus 'La Belle Créole'—the beautiful creole—sailed up and down the Mississippi all her life by the name, style, title, and description of 'The Owl.'" *

Benton was evidently of opinion that Tyler's conduct as to the first bank bill, and far more as to the second one, was dishonorable, and he had refused to be of the party of Democratic Senators who made a complimentary call upon the President after the first veto. He adds † that he was not even suspected of any effort to alienate Tyler from the Whigs, and devotes a chapter to the secret history of the second bill, which, in his opinion, shows that it was framed exactly to suit Tyler, and that the latter then tried by underhand means to secure its defeat in Congress, and, upon failing in this effort, vetoed his own measure, all under the flattering hope of creating a party of his own.

The history of the panic of 1837 does not need to be gone into here, but there are some points about it which touch Benton and must be slightly considered. He was one of those who foresaw and predicted the distress. In one of his speeches on the expunging resolution, on January 27 of that year, he spoke of the ability of the

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* View, ii., pp. 333, 341. C. G., 27th Cong., 1st Sess., appendix, pp. 120, 201. Ibid., 27th Cong., 1st Sess., p. 379.

† View, ii., pp. 328, 329, 342–350.

government "to ride out the storm which every discerning mind must see ahead," and in February he called Van Buren, then the President-elect, into a committee-room and said that, in his opinion, they "were on the eve of an explosion of the paper system and of a general suspension of the banks." * He had intended to explain his reasons, but was much miffed and volunteered no further opinions when Van Buren said, "Your friends think you a little exalted in the head on that subject." He adds that he said to himself, "You will soon feel the thunderbolt," and expresses regret that he did not go on and possibly make Van Buren see the matter as he did and thus lead to some measures to mitigate the catastrophe which broke upon the new administration in May, 1837.

Again, after the belated resumption by the Pennsylvania Bank of the United States † in August, 1838, Benton foresaw that the resumption was but temporary, and at the end of the session of Congress of 1838–39—therefore somewhere about March 4, 1839—told Van Buren that the bank would suspend once more before they met again. Van Buren listened to him more closely than on the prior occasion, and when they met the next November was the first to refer to Benton's parting prophecy.‡ The bank had suspended in the preceding October, and was destined never to resume again.

During the period of distress which began so soon

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* C. D., vol. xiii., part 1, 1836–37, p. 603. C. G., 26th Cong., 1st Sess., appendix, pp. 120, 121. View, ii., pp. 10, 11.

† The legal title of this institution under the Pennsylvania statute was "The President, Directors and Company of the Bank of the United States,"—*i.e.*, precisely the same as it had been under the federal statute of 1816. Prof. Catterall is in error when he says (Second Bank, p. 372) that it was chartered by the State "under the style of the Bank of the United States *of Pennsylvania*" (italics mine).

‡ View, ii., p. 94.

after Van Buren's inauguration all financial questions were discussed from the partisan * stand-point, and administration men generally maintained that the suspension was quite unnecessary and was brought about for the express purpose of forcing the government to resort again to a bank. Benton, who had predicted the panic, maintained that it had been purposely hastened with this view, and he tells of the call which Nicholas Biddle made upon Van Buren early in the days of the panic, and thought the purpose of the visit was to be consulted as to the state of the finances. There is evidence that about this time Biddle was of opinion that the government was

* The partisanship was by no means confined to the lower classes nor to one side. Few things more *ultra* can be found than a speech which Abbott Lawrence, a leading business man of Boston, is said to have made at this time. This gentleman belonged to that class which is pre-eminently eloquent against any one else who criticises authority, but many a nihilist and socialist has gone to jail for much less radical language than he seems to have indulged in against the federal administration. In May, 1837, at the very time when thousands were ruined and all were in a wild state of panicky terror, he saw fit to say in a public address in Boston: "No overt act ought to be committed until the laws of self-preservation compelled a forcible resistance, but the time might come when the crew must seize the ship." Shepard's Van Buren, pp. 275, 276. I cannot find this speech in the Memoir of Lawrence by H. A. Hill, but this is no reason to doubt the accuracy of Mr. Shepard's statement. The very great lawyer, Horace Binney, too, at the time of the Panic Session, three years earlier, had made a like speech in the streets of Baltimore, which was surely an incitation to riot and violence. Addressing a large and excited mob, he said: "The people were competent to keep their public servants within legitimate limits; that usurpations always commenced by tampering with the public funds; that so long as the laws were permitted to govern, we possessed the means to restrain authority within proper bounds, but that if the laws failed to afford the remedy for abuses, the people possessed the physical power to maintain their rights; that the Constitution and laws of the country must be sustained, peaceably if it can be done, by force if it is necessary." Life by C. C. Binney, pp. 120, 121.

disposed to return again to the use of the Bank of the United States, but his interview with Van Buren closed without one word as to public affairs.

The opponents of the bank also maintained that the suspension was persisted in by many financial institutions, and particularly by the successor of the United States Bank, far longer than there was any need for; and this contention finds support from the fact that the New York banks, in the face of the strongest opposition, took measures to resume, and carried out their purpose, without serious trouble, quite a time sooner than did the Pennsylvania Bank of the United States and those institutions which followed its lead.*

Of course for the time the administration bore the brunt of the blame, and the opposition rang the changes upon the effects of "tampering with the currency" and of the "experiments" with the finances, while burlesque notes and coins reached † Benton and others of his way of thinking, inscribed with sentences such as "Benton's currency," "mint-drops," "the gold humbug exploded," "this is what you have brought the country to." There was nothing to do but submit and await the subsiding of the storm's fury; but Benton always maintained that the forbidding of small notes, the admission of foreign silver, the change of the ratio between gold and silver, the system of branch mints, and the declared purpose of the administration to revive "the currency of the Constitution" had been the means of greatly moderating the distress by causing the importation of gold, so that the country was not found absolutely devoid of specie in 1838.‡ And to the mere ridicule of his measures which

* View, ii., p. 19. J. Q. Adams's Diary, ix., p. 363.

† View, ii., p. 26. Sketch of Benton in Duyckinck's "Portrait Gallery," ii., p. 196.

‡ Statistics show that specie was largely imported into this country after 1834, while the exports decreased.

his opponents had indulged in he was able before long to retort as follows, as the pall of the panic began to lift before the middle of 1838,—far more quickly than had been the case in prior instances:

"It is owing to our '*experiments*' on the currency—to our '*humbug*' of a gold and silver currency—to our '*tampering with*' the monetary system—it is owing to these that we have had this signal success in this last stoppage, and are now victorious over all the prophets of woe, and over all the architects of mischief. These *experiments,* this *humbugging,* and this *tampering,* has increased our specie in six years from twenty millions to one hundred millions; and it is these one hundred millions of gold and silver which has sustained the country and the government under the shock of the stoppage, has enabled the honest solvent banks to resume, and will leave the insolvent and political banks without excuse or justification for not resuming. Our experiments—I love the word, and am sorry that gentlemen of the opposition have ceased to repeat it—have brought an avalanche of gold and silver into the country." *

In the whole course of the contest with the United States Bank and of the questions which grew out of it, many charges of a merely trivial nature were made on both sides; but this is always the case in desperate political contests, and it is of the first importance to hold the main issue chiefly in view and not to become lost in the maze of these mere details. In this connection it should be noted that even Webster came in a few years to admit that a Bank of the United States was an obsolete idea, and at least some of our historians of generally federalist beliefs concede that on the main point the anti-bank party was right, and that it was to the best interests of the country that the United States Bank should cease to exist. Its vast centralized power, capable of springing into instant action from one end of the country to the other upon the mere order of its central governing body, and

* C. G., 25th Cong., 2d Sess., appendix, p. 352. See also ibid., 25th Cong., 2d Sess., pp. 42–44.

thus sure to exert a stupendous influence upon the lives and fortunes of many thousands, was a serious menace to the proper growth of our institutions.

If this be the case, if the bank ought not to have continued to exist, it is perfectly clear that that result could not have been reached by the soft and delicate methods which prevail in a lady's parlor. Much brutality was, humanly speaking, unavoidable between such powers as were arrayed against each other in the contest, and we must simply charge to the frailty of human nature the many abuses that were indulged in during the hurly of the battle.

Nowhere, it seems to me, is the fact that the bank ought to have come to an end more conclusively shown than in a recent book * written from a friendly point of view and whose author thinks a great mistake was made in its destruction. The fact † that by 1826 and even earlier—before the contest with Jackson was dreamed of —the institution was largely in the hands of one man, and the board nearly a cipher, is possibly trivial; but it is a far more serious thing that by 1831, when the question of recharter was coming under consideration, a very large extension of its accommodations began, and the famous "race-horse bills" of the branches were once more hurrying about unpaid from one part of the country to another, so that the matter soon got beyond the control of the management,‡ and before long the bank was in a very grave position, and could save itself only by obtaining an extension of the payment of a government loan.§

Again, from 1829 it is hard to deny that it was much too close to politics. Lobbying in its own interest,‖ it

* Catterall's Second Bank.
† Ibid., pp. 279, 280.
‡ Ibid., pp. 145, 149, 153–160, 391–393.
§ Ibid., pp. 146–150, 268 et seq.
‖ Ibid., p. 251.

moreover printed and circulated thousands of Congressional reports and of Jackson's veto message and other public documents, with a view to obtaining an extension of its charter, so that it spent between 1829 and 1834 over ninety-five thousand dollars for this "extra printing." * It furnished printed matter in favor of the bank to newspapers in large quantity, and made at least one loan to an editor of a newspaper which then favored the bank.† From 1829 and even earlier it was in the habit of cashing drafts for salaries of members of Congress at a distance without charge for exchange, and these salaries and those of other government officials were at times paid before they became due. To such an extent was this done that at a single session four hundred thousand dollars were expended in this way, and even the partisan John Quincy Adams hinted a gentle doubt as to the propriety of the indulgence.‡

In the matter of loans to Congressmen, Professor Sumner § says that attempts were made in 1832 and in 1835–36 to investigate them, but were abandoned because, as John Quincy Adams says, they "cut both ways." But, if politicians of that day on neither side could afford to have the truth known, we now know that as early as 1829 a loan to a member from New York was defended on the ground that the existence of the bank would soon depend on Congress,|| and the following specific instances are beyond doubt: John Forsyth, who was a leading Democrat, but a personal friend of Nicholas Biddle, and who in 1829 regretted Jackson's strictures on the bank, but later was an anti-bank man, was in 1831

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* Catterall's Second Bank, pp. 199, 200, 240, 241, 251, 265.
† Ibid., pp. 199, 256–263.
§ Ibid., pp. 252, 253.
§ Life of Jackson, p. 321.
|| Catterall's Second Bank, p. 253.

loaned a large sum at a long date secured on mortgage; * Henry Clay was loaned five thousand dollars at a branch in 1832; † and McDuffie, the chairman of the Committee of Ways and Means and a most important man, was in 1833 loaned the then stupendous sum of one hundred thousand dollars on mortgage, with an agreement to renew indefinitely, ‡—all loans on mortgage being of course against the policy of the bank.

As the contest grew more bitter, too, not only did the president of the bank direct that during his absence the government directors should not be allowed to see anything, either books or papers, whatever might be the consequences,§ but in 1834—during the days of the Panic Session—we are told by this same author that the bank's intentional contractions of credit in order to force a charter were in excess of any possible danger, and that it is plain "they had determined to exert all the power of the bank to secure a new charter, and that they believed it possible to succeed by causing panic and distress." ||

When, therefore, the history of the bank is recalled, and it is remembered that under its first management it was looted and practically ruined by gross fraud; that under the second management it was nearly useless and fulfilling but a fraction of the purposes for which it was created; and that, finally, under the third management—that of a president and directors of high character—all

* Catterall's Second Bank, p. 253. Life of C. J. Ingersoll, by William M. Meigs, p. 167.

† Ibid., p. 388.

‡ Ibid., pp. 253, 254. In 1829 Biddle had successfully urged McDuffie to make a report from the House Committee answering Jackson's strictures upon the bank. Biddle supplied the facts for this report, and the report upon the same subject in the Senate was much of it word for word as he wrote it. Ibid., p. 198.

§ Ibid., p. 310.

|| Ibid., pp. 329–331, and see pp. 314, 318, 321, 343, 346, 426. See also Henry Adams's Life of Gallatin, pp. 658–662.

the abuses above detailed from a friendly book occurred and have come to light, surely no further evidence of the danger and harmfulness of such an institution is needed. To say that these abuses occurred only because the granting of a new charter was opposed not only does not touch some of the most important of them, but is no answer at all to any one of them. For, if the continuance of the bank could not be opposed in the legislature without such a result, then most assuredly no national bank should exist and the perhaps instinctive judgment of Jackson and Benton and the many others who are so often charged with abysmal ignorance of banking was right.

CHAPTER XVI

OREGON—DISCOVERY AND EARLY HISTORY—FACTS AS TO OWNERSHIP—EFFORTS OF BENTON AND OTHERS IN CONGRESS TO PROTECT OUR INTERESTS—THE TREATY OF 1846—BENTON'S SHARE IN BRINGING IT ABOUT—THE ASHBURTON TREATY OF 1842

It has been seen that from an early period Benton had taken a deep interest in the region known as "the Oregon country." With the instinct of a statesman, he looked ahead and foresaw the march of American civilization to the summit of the Rocky Mountains and thence down to the ocean; and though in his earlier life he did not expect the settlements on the Pacific to remain an integral part of the United States, yet he thought it of great importance that we should establish them and make them our friends; and later, when the invention of railroads rendered possible a close union of interest between regions far apart and separated by an immense range of mountains, he soon understood the effect this was to have upon the problem and gloried in our compact territory stretching from ocean to ocean.

He had undoubtedly an extensive knowledge of Oregon and of the whole region beyond the Mississippi at a time when few of our public men knew more than that there was such a country. We have now reached a period in his career at which, in order to understand the leading and immensely courageous part he is about to play, it will be necessary to examine to some extent the history of this far Western country.

The Spaniards were unquestionably the first discoverers of the Northwest coast, while the strongest English claim was to be found in the famous Nootka Conven-

tion of 1790 and their subsequent explorations and settlement. By this treaty Spain conceded to Great Britain certain rights which the English always contended included that of founding permanent settlements or colonies in the region, while we maintained that only fishing and trading stations were referred to, and that, in any event, the treaty had become void by the war between England and Spain in 1796 and had not been revived. It cannot be doubted that the English did for a number of years go on, without protest from Spain, and make settlements such as they claimed the treaty authorized, particularly those on and near the waters of the Frazer River, which were started in 1805, came to be called New Caledonia, and were at all times under their undisputed control. Of this whole region, moreover, they were beyond all question the first discoverers.

The American title, also, was at first in the main possessory, though we claimed under the Louisiana purchase, and also insisted upon the right of the old colonies to stretch across the continent to the Western Ocean; but our strongest claim in 1845 to the region in general was to be found in the Spanish treaty of 1819, by which Spain ceded to us all her rights. In relation to the Columbia River, which was the chief bone of contention for many years, the American sea-captain, Gray, was not its discoverer, but was in 1792 the first white man to enter it, and he named it after his vessel; while the governmental expedition of Lewis and Clark in 1804–06 traversed for the first time the whole of its valley, and the great merchant, John Jacob Astor, in 1811 founded the first permanent settlement there at Astoria, as well as some other stations higher up the river. To the broad statesmanship of Jefferson we owe the vastly important expedition of Lewis and Clark, and he in turn had been largely inspired by the enthusiastic young American explorer, John Ledyard.

Astoria was captured by the British in 1813, but was handed back to us in 1818, in accordance with a provision in the treaty of peace for the restitution of captured places, though the British insisted that the actual title was theirs. In this same year, 1818, Rush was engaged in London in negotiations for a treaty to fix the boundaries between the British possessions and ours, but the English refused to make any agreement as to the Northwest coast, which did not at least give them equal rights on the Columbia River, and we would not hear of this.

Our proposition was to make the parallel of 49° the dividing line, thus extending beyond the Rocky Mountains the boundary fixed by the same treaty for the region east of the mountains, but the British refused, and proposed that the region between 45° and 49° should remain open to trade for both nations. The Americans, of course, declined this proposal, but it led to the Convention of 1818, under the terms of which the whole of Oregon was left open for ten years to citizens of both nations without prejudice to the ulterior claim of either party to the country. Pending these ten years, efforts were made to settle the question of title, but without success, and in 1828 the agreement of 1818 was extended indefinitely, subject to a right to either party to terminate upon a year's notice.

In the early years of the century the trade of the Oregon country was mainly in the hands of the Americans, and we controlled the Columbia River. Astor's enterprise had, moreover, increased our influence, and promised to do so still further; but from the capture of Astoria during the war, and entirely uninfluenced by its formal return after the peace, Astoria or Fort George and the Columbia River in general were in the control of the British, and they even had some stations to the east of the Rocky Mountains, while the fur trade fell into their hands and remained in the main with them for many years.

The powerful Hudson's Bay Company contributed, of course, to this, while the *coup de grâce* to American chances in the region was given by our ever-growing tariff laws. We could not trade as cheaply as the British, and therefore could not trade at all. But it must always be remembered that this British possession was subject to the terms of the treaty of 1818, which carefully kept the question of title in abeyance.

Meanwhile, both countries claimed ill-defined rights in the whole region, but for many years the real point in contest was the control of the Columbia River. By the chances of nature, the Columbia was the only navigable stream on the Northwest coast, and the consequent vital importance of securing it so as to control the commerce of the region was well understood by the British. Accordingly, with true bull-dog tenacity, they insisted for years upon securing at least equal rights in it. There can be little doubt why the English proposed the joint occupation. They calculated rightly that the powerful Hudson's Bay Company would soon secure for them the actual control, and the chances were that this would ripen in time into a possessory title of such strength as to annihilate any mere American claim of right.

The territory in dispute extended from latitude 42° to 54° 40′ (*i.e.*, the southernmost point of Prince of Wales Island, down to which the Russian title was conceded to be valid), and at the time of the final treaty of 1846 a large number of Americans claimed the whole as ours. So far as the region north of the valley of the Columbia is concerned, this claim was based upon the Spanish cession of 1819, but it seems impossible to maintain the validity of the Spanish title to the whole of Oregon at that date in face of the fact that they had by the Convention of 1790 conceded rights in the territory to the English, and that the latter had then, some years before the treaty of 1819, founded settlements north of

latitude 49°, which they held for many years without protest from any one. There can hardly be a stronger title than actual settlement and continued possession under color of right.

Again, down to after 1840, we had few, if any, settlers north of the Columbia, and there was probably at no time a single American north of latitude 49°. On the other hand, it must be admitted that our right to the valley of the Columbia River was based on an immensely strong title, and that the English had in reality no basis for the claims which they so doggedly asserted there for many years. The whole case was one of those instances of conflicting rights which can be amicably settled only by compromise, and the proper line of division was very plainly pointed out by the history of the region.

By the treaty of Utrecht, in 1713, it was provided that commissioners should be appointed to run a line between the English and French possessions in North America, and it was almost certainly believed by the statesmen of the early part of the nineteenth century that such a line was agreed upon to follow the forty-ninth parallel of latitude "indefinitely to the west," but no direct evidence of this fact has been found, and the debates in Congress in 1845–46 throw great doubt upon the question. The supporters of our claims to 54° 40′ insisted upon the production of the best evidence of the line's establishment from the proper archives of the governments concerned, while Benton argued quite as stoutly on the other side and produced a mass of collateral evidence in favor of his view.

A student of history, he had doubtless years before convinced himself that such a line had been agreed upon and that it was the proper one: indeed, he had in the past expressly favored settlement on the parallel of 49°, and his discussions of the Oregon question had been generally directed to the possession of the Columbia River, while,

so far as I have found, he had not once maintained our right to all of Oregon.

When, therefore, the existence of the line of 49° under the treaty of Utrecht was denied upon the authority of Greenhow's book on Oregon, Benton was indignant at what he called "this *pie-poudre* insurrection —'*this puddle-lane rebellion*'—against the truth and majesty of history," and argued the question most strenuously; but it is to be observed that both he and others were careful not to base their case upon the point, for it can hardly be that an agreement of that early date could have any conclusive effect upon a question as to land on the other side of the continent the existence of which was then hardly more than known. The main importance of it would seem to be as cumulative evidence indicating the proper conventional line, and in this sense there can be no doubt that it had its effect upon the earlier statesmen on both sides. Thus in 1806–07 a treaty was drafted fixing 49° as the boundary east of the Rocky Mountains, and though this treaty never became effective, yet when some of the contemporary writings leading up to it are examined, they afford no little evidence of the prevalence of such an opinion at that day.

Further evidence to the same point is found in the instructions to our peace plenipotentiaries in 1814, in which they were reminded by Monroe of the port at the mouth of the Columbia, and were told "on no pretext can the British government set up a claim to territory south of the northern boundary of the United States. It is not believed they have any claim whatever to territory on the Pacific Ocean. You will, however, be careful, should a definition of boundary be attempted, not to countenance in any manner or in any quarter, a pretension of the British government to territory south of that line." When it is remembered that this was written under the presidency of Madison, who had been Secre-

tary of State during the negotiation of the unexecuted treaty of 1807, it can hardly be doubted that the parallel of 49° was again referred to. And the evidence becomes almost conclusive as to the opinion of our earlier public men when we find John Quincy Adams in turn, under the presidency of Monroe, holding to the line of 49° as of right belonging to us.

Writing in 1818 to our representatives in the negotiation for boundaries going on at London, Adams referred to the British claim of title to the settlement at the mouth of the Columbia, and then went on to speak of "the 49th parallel of latitude, south of which they can have no valid claim upon this continent." And Richard Rush, who was concerned in two of our earlier negotiations upon the subject, writes in words that the treaty of Utrecht had fixed upon the line of 49°. The British negotiators, too, had in more than one instance, in the discussions with our representatives, written in regard to that line under the treaty of Utrecht in a way which is only comprehensible on the supposition of their belief in its existence.

Nor is this all, for in the course of the negotiations that line had been repeatedly offered by us. It was formally proposed by Gallatin and Rush in 1818, and again by Rush in 1824, after having first offered 51°; while in 1826–27 Gallatin maintained our exclusive rights from 42° to 49°, and once more expressed our willingness to settle on 49°, coupling it with a provision which would almost certainly have given the British the navigation of the Columbia. The counter-offer at this time was to follow the Columbia River from the Pacific to the parallel of 49° and then to make that parallel the boundary.

One other nation had large possessions on the Northwest coast and at one time came into important relations with ourselves and the English. The Russians had

operated chiefly very far to the north, but in 1821 claimed down to latitude 51°, and the emperor issued his decree declaring the ocean of the region to be a close sea. The protest of ourselves and the English led to negotiations to settle the rights of the three countries, and we proposed a tripartite treaty suggesting once more 49° (and also 51°) for our northern boundary, thence to 55° (*i.e.,* a line based on the point of an island which was later found in reality to be in latitude 54° 40′) for the English, and north of that for the Russians; but the English declined the plan of a joint treaty, and hence it was that in 1824 we made a separate treaty with Russia by which it was agreed that we should make no establishment north and the Russians none south of 54° 40′.

Here was beyond doubt the chief origin of that famous line which we came to claim some years later as our northern limit; but, when it is remembered that we had in this very negotiation urged a tripartite treaty fixing our northern line at 49° and making 54° 40′ the English northern line, there can be no doubt that 54° 40′ was named, not as the northern limit of the territory which Russia either conveyed to us or acknowledged our title to,—England was well known to claim it,—but as the line south of which the Russians made no claim; while any rights we might have in it under the Joint Occupation Treaty or otherwise were left open to us by the Russians for us to settle with the British. And the next year (1825) the Russians made a treaty with the British by which the line of demarcation between them also was started at the sea on the parallel of 54° 40′, but was then run in such a way as left to the Russians a long strip parallel to the coast,* while the English title was recog-

* This is the provision which grew later into a dispute between the British, on the one side, and ourselves, on the other, as the successors to the Russian title, and has been very recently settled.

nized to a vast inland territory north of 54° 40′ stretching to the Arctic Ocean.

One other important factor in the history of Oregon must be mentioned. In the winter of 1840–41 John C. Frémont was in Washington aiding in working up the results of Nicollet's expedition to the Upper Missouri, and it was but natural that one so much interested in the West as Benton should visit their office. This led to some intimacy, and Benton referred at times to the region beyond the Rocky Mountains and evidently inspired Frémont with the idea of becoming an explorer. Other members of Congress from the West were often at interviews at the Benton house and other places where the subject was discussed, and they seem to have felt that the time had arrived for action in regard to Oregon.

The plan of an exploring expedition was conceived and a small appropriation secured,—largely through Benton's efforts,—the officially declared purpose being to explore the country between the Missouri River and the Rocky Mountains, while in reality it was intended by its promoters to be "in aid of and auxiliary to the Oregon emigration." Nicollet was to have commanded this expedition, but his health failed and Frémont was appointed instead. One can imagine the intense interest of Benton in this undertaking, which promised at last in the spring of 1842 to crown with some actual success the efforts on behalf of the far West which he had been engaged in for a quarter of a century. And to this cause of interest must be added the facts that the commander of the romantic undertaking was his son-in-law, and that Benton's son Randolph, a boy of fourteen, went with the expedition as far as Fort Laramie.*

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* In regard to the early history of Oregon I have depended chiefly upon Hubert H. Bancroft's Histories of the Northwest Coast and of Oregon, with aid from Sparks's Life of John Ledyard, Chit-

During all these early years of the century our rights in the Oregon country were on many occasions the subject of discussion in Congress. While Benton was in Washington in 1820, kept from his seat by the struggle over Missouri's admission, the question was raised for the first time in the house of Representatives by Dr. Floyd, of Virginia. Floyd had rooms at the same hotel (Brown's) where Benton lived, and where lived also two of Astor's party to Astoria, and became convinced of the value of the country through the accounts of these two men and inspired also by Benton's *St. Louis Enquirer* articles of 1818–19, which he read.* In consequence of this, he took the subject up with energy and urged it on numerous occasions down to 1828.

There was then a lull for a decade, doubtless owing to the press of other stirring matters, and not until 1838 did another recognized champion of Oregon appear in Benton's colleague in the Senate from Missouri, Dr. Linn. But from that date until 1843 Linn, in turn, was hammering away at the subject with motions to occupy, to extend our laws to the country (as the British had already done), to build forts, to grant land to settlers, and so on; but he, too, like Floyd, merely saw one of his bills get through one House in 1843, to be lost in the other. Linn died soon after this, having been ridiculed as well as cheered on as the champion of distant and unknown Oregon.

Nor was Benton by any means a silent member upon the subject, though at no time so much the recognized champion of Oregon as Floyd and Linn were. Probably this was to some extent for the reason that Floyd had made the subject his in the House before Ben-

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tenden's American Fur-Trade of the Far West, John C. Frémont's Memoirs of my Life, the View, vol. i., pp. 13, 14, 50–54, 109–111. See also Richard H. Rush's Court at London.

* View, i., pp. 13, 14.

ton was admitted to the Senate, while later Benton had enough special policies on his shoulders to render it inadvisable to increase his load. But it is very easy to see how largely both Floyd's and Linn's bills and speeches were influenced by Benton's early articles, and he furnished, moreover, every possible aid to them as well as introduced measures of his own into the Senate. Thus in February, 1823, he introduced a resolution looking to an appropriation to enable the President to take and retain possession of the region.

In his speech he said that he knew the public mind was tranquil upon the subject, but believed this arose, not from indifference to the loss of the Columbia River, but from a belief that our title to it was indisputable. He then went on to say that as a matter of fact the British disputed our rights and that we were in serious danger of losing the country, for they were in undisputed possession, and when the Joint Occupation Treaty expired in 1828 they would have the actual possession, and therefore the right of possession, until a decision upon the title should be made adverse to them. The committee to which this resolution was referred was soon discharged from its further consideration at its own request; but probably Benton had expected some such result, and had merely aimed to arouse public interest.

In 1828, again, when the convention of 1818 was about to expire, Benton introduced resolutions in secret session against the joint occupation, and "that it is expedient for the government of the United States to treat with his Britannic Majesty . . . upon the basis of . . . the establishment of the 49th degree of north latitude as a permanent boundary between them in the shortest possible time." His view was—and it has been already shown that such was also his contention in his articles of 1818–19—that the Hudson's Bay Company was domineering the whole region in the interests of the British,

and that there was grave risk that this would result in our losing the country; but he still spoke to ears almost deaf, and his resolutions were laid upon the table and the agreement of 1818 extended indefinitely by a treaty against which he voted with only six other Senators.*

Finally—and here the reader will again see conclusive evidence as to the region which Benton always thought belonged to us in Oregon—he said in the Senate on April 13, 1841: "The United States own the Columbia River, its mouth, tributaries, and valley—everything that belongs to it south of 49 degrees—and that is about everything that is worth having upon it," and in the course of his speech he referred several times to the line of 49° "carried indefinitely to the west" by the treaty of Utrecht as being the true line of division.

When Lord Ashburton came out to this country in 1842 on his peace mission, armed with authority to settle all matters in dispute between the two nations, it was naturally hoped that the Oregon question would at last be disposed of. The agitation of the subject for years in and out of Congress was having its effect, and popular interest was shown in a thousand ways on both sides of the ocean, while the American immigration, which hardly began until 1835, became extensive in 1842 and then grew with great strides. In the very year of Ashburton's arrival the American settlers in Oregon began to establish a government, and even before that time the danger of the existing state of affairs was very evident.

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* For the earlier speeches of Benton on Oregon, see A. of C., 17th Cong., 1st Sess., vol. i., 1821–22, pp. 420–440. Ibid., 17th Cong., 2d Sess., 1822–23, pp. 235, 246–251, 271. C. D., vol. i., 1824–25, pp. 699–713. C. G., 27th Cong., 1st Sess., appendix, p. 229. Ibid., 27th Cong., 3d Sess., pp. 154, 234, 235, 238, 239. Ibid., appendix, pp. 17–19, 74–78, 116, 117. Ibid., 28th Cong., 1st Sess., pp. 636, 637. Ibid., appendix, pp. 100–103. The Executive Journal of the Senate for February 5, 1828 (see also February 1).

Ashburton had instructions from his government upon the subject, but early in the conferences between him and Webster some difficulty was found in dealing with Oregon, and the subject was not mentioned in the Treaty of Washington. The trouble was that the British still wanted to come down to the Columbia River, and that Webster, who was willing to agree to this desire on their part under some conditions, learned upon sounding certain Senators that any treaty containing such a provision would meet with bitter opposition. Indeed, not very long after, Webster admitted, under John Quincy Adams's close and nagging questioning, that such had been the British wish, and went on to show that his plan was to make the concession and in some way to secure from Mexico the port of San Francisco and some other territory for us, which Ashburton had said they would not object to. Doubtless this was what Webster had in mind as the great object to be achieved by the special mission to England which he wanted to have created and to fill himself.

Benton makes all this clear enough when he tells us that at an early stage of the pending negotiations he and Linn were approached and sounded as to their willingness to agree to a "conventional line" for the Oregon boundary, and adds that they were not "soft" enough for this, and refused at once and most positively to have any part in an agreement which they were satisfied meant the partial surrender of the Columbia River.*

Popular interest in regard to Oregon was fully aroused by this time, and pamphlets were issued in numbers both here and in England, while resolutions, memorials, and petitions began to pour in upon Congress

* Adams's Diary, xi., pp. 344–347, 340. Webster's Private Correspondence, ii., pp. 203, 204, 216. Curtis's Life of Webster, ii., p. 173. View, ii., 429, 476.

from many of the border States calling for the maintenance of our title and for grants of land to the settlers ready to go there. No exact definition of the extent of our ownership was, as a rule, attempted, and Tyler was the first high officer to insist upon the famous line of 54° 40′. In his message to Congress in December, 1843, he said: "The United States have always contended that their rights appertain to the entire region of country lying on the Pacific, and embraced within 42° and 54° 40′ of north latitude."

Such was undoubtedly not the fact, but the idea took strongly with the people, and in 1844 the Democratic National Convention resolved "that our title to the whole of Oregon is clear and unquestionable, . . . and that the reoccupation of Oregon, and the reannexation of Texas at the earliest practicable period, are great American measures, which the convention recommends to the cordial support of the Democracy of the Union."

On this platform Polk was elected, and there cannot be the least doubt that Oregon up to 54° 40′ was meant; indeed, the campaign was conducted on that express basis and "54 40 or fight" was a slogan of the day. Polk also, in his inaugural address, on March 4, 1845, gave no uncertain sound when he spoke of maintaining the rights of the United States to the territory beyond the Rocky Mountains, and then went on: "Our title to the country of the Oregon is clear and unquestionable, and already are our people preparing to perfect that title by occupying it with their wives and children."

Americans can afford to admit in the light of history that Lord John Russell did not transgress the truth when he spoke of this inaugural as "a blustering announcement," nor can we wonder that, as Benton writes, the voice of England "came thundering back" in indignant protest, as full of ominous mutterings of war as was our own, while a leading member of their cabinet said in the

upper House, " We, too, my lords, have rights which are clear and unquestionable; and those rights, with the blessing of God and your support, we are fully prepared to maintain." Such an outburst as Polk's is utterly unjustifiable in a man holding high and responsible station, unless he has reached a final and positive conclusion to which he is prepared to adhere, war or no war; and the worst of it was that, almost at the very time Polk was uttering these words, our authorities were actually negotiating with the British upon the basis of our willingness to agree on the line of 49°. If the new President did not know this fact at the hour of delivering his inaugural, there can be no doubt that he learned it from his Secretary of State a few hours later.

In the summer of 1844 the subject had been taken up between our then Secretary of State Calhoun and the English minister Richard Pakenham, and the former had shown plainly enough our willingness to agree upon the parallel of 49°; but the English still obstinately adhered to the Columbia, so that no agreement was reached and the matter went over to Polk's administration. Benton says it was their hope that Pakenham would again open the subject; but that, when weeks went by and he said not a word,—doubtless because of the rebuff of the inaugural,—they became embarrassed at the delay, while another war was already looming up ahead. Some time early in April, Buchanan sent for Benton, whose knowledge of the general subject was well known, and had a conference with him as to Oregon.

Benton said at once that in his opinion the parallel of 49° was the true line, and that he would support a treaty based on it; but the administration was too strongly pledged to the line of 54° 40′ openly to make the change so soon. There is, however, evidence that in a few months the members had modified their views, for on July 12 Buchanan wrote to McLane, our minister in London,

indicating that Polk was not in favor of a war "for a comparatively worthless territory north of 49 degrees, which his predecessors had over and over again offered to surrender to Great Britain." And on this same date he opened the subject with Pakenham, asserting our rights to the whole region, but concluding that, as the President felt himself to some extent committed by the acts of his predecessors, he was willing to offer as a compromise to settle on the parallel of 49° and to make free to Great Britain any ports on Vancouver's Island south of that parallel.

Here it was that Pakenham, in turn, made one of those blunders that so often add strength to the cause of an opponent; for, without consulting his government, he wrote back with bullying insolence that he trusted we should be prepared "to offer some further proposal for the settlement of the Oregon question more consistent with fairness and equity, and with the reasonable expectations of the British government" as theretofore presented by him. To this Buchanan answered, on August 30, arguing our case once more at length, and closed by peremptorily withdrawing the offer of 49°. When our proposal of this line had become known to the public, there had been a great outburst of wrath among the claimants of the whole of Oregon, but this was appeased by the withdrawal of the offer and by Buchanan's able letter in defence of our claims, and the negotiations were thus at a stand-still upon grounds which the American people were sure to approve.

In the autumn Benton was again in conference with the administration, and had interviews with Polk on October 24 and December 6 * by appointment, at which

* Polk's Diary. A typewritten copy of this valuable and interesting record, made under the direction of George Bancroft, is preserved in the New York Public Library.

the subject of Oregon was discussed. He and Polk agreed that it would be wise to terminate the joint occupation, to extend our jurisdiction over the country, to erect block-houses on the route to Oregon, and to raise two or three regiments of mounted riflemen; while both doubted the legality during the joint occupation of another policy much urged of making grants of land to settlers. Benton approved what had been done, and said "that he had told Mr. Buchanan last spring that he would support the settlement of the question at the parallel of 49°."

Polk added that since the rejection of the offer to compromise on 49° he was "disposed to assert our extreme right to the whole country . . . [and further was] strongly inclined to reaffirm Mr. Monroe's doctrine —against permitting foreign colonization, at least so far as this continent was concerned. At this point," the Diary continues, "without denying the general proposition, Benton remarked that Great Britain possessed the same kind of title to Fraser's River, by discovery, exploration, and settlement, that the United States did to the Columbia."

This opinion was expressed by Benton at both of these interviews as well as at later ones, he even bringing with him once and exhibiting to the President a map published by Congress on which the parallel of 49° was marked by dotted lines; and Polk was evidently much struck when "Colonel Benton in the course of the conversation stated the fact that the British Hudson's Bay Company had near twenty forts on Fraser's River."

It may be doubted whether, prior to this interview, Polk had had the smallest conception that the British had so complete physical possession of a part of the region in dispute, and it must indeed have been startling to think that about eight months before he had calmly intimated in his inaugural the intention to take away

from them what they had so long held and occupied. Benton was evidently looking around for the best means of leading to a peaceful settlement, and on April 9, 1846, suggested that it might be well for Polk, as soon as the notice to terminate the joint occupation was given, to renew his offer to compromise on the line of 49°; and on May 3 (according to Polk) even went so far as to suggest that the downward navigation of the Columbia might be conceded to the British.

When Congress had met on December 1, 1845, the outlook had been very warlike. Excited debates had begun at once over measures to terminate the joint occupation and to increase the army and navy, while the halls of Congress resounded daily to the echo of the words "inevitable war." And to these indications must be added the fact that the British had for years doggedly refused to hear of any boundary north of the Columbia River, and had as late as 1844 officially notified the board of management of the Hudson's Bay Company that England would yield nothing in Oregon north of the Columbia, and that the company should govern itself accordingly.* Indeed, Pakenham had even sounded Benton at a chance interview in the autumn of 1845, as to our willingness to yield the navigation of the Columbia in exchange for their yielding to us that of the St. Lawrence.†

Benton does not seem to have expected war; and though early in the session he advocated in the Senate the raising of a new regiment of mounted riflemen, which might be used in the President's discretion to protect the emigrant route to Oregon, he was against the proposed large increase of the army and navy, saying that he was unwilling to "declare to the American people and

* H. H. Bancroft's Oregon, i., p. 447.
† Polk's Diary for December 6, 1845.

to Europe, that we had an idea of war and therefore deemed it necessary to make warlike preparations."

But, at the very time when on the surface affairs looked so warlike, measures were in reality well under way which easily led to a peaceful solution of the problem. It was impossible for our administration, in view of the threatening state of affairs with Mexico, to want to get into a war to the north; and the British were quite as anxious to avoid a clash at arms over a region which its emissaries had doubtless reported that there was but little chance of their holding against us. Accordingly, Sir Robert Peel openly expressed his disapproval of Pakenham's rejection of our offer of 49°, and some English newspapers began to favor that line, while more than a month before Congress met, Pakenham had again opened the subject with Buchanan and wanted our offer of 49° reinstated.

Buchanan refused to do this, our administration taking the position that the next step must be made by the British, and the consequence was that the negotiation was soon, in effect, transferred to London and taken up between McLane and Lord Aberdeen. The latter was from the start quite willing to submit a proposition based on the parallel of 49° with some minor modifications, if he could know that it would be acceptable; and after Buchanan had told McLane at length what propositions he might intimate to Aberdeen would be favorably considered by Polk, a project for a treaty was sent to Pakenham on May 19, 1846, and handed by him to Buchanan on June 6.

Its terms—and they are identical with the final treaty—are well known, and the only changes of any moment from Buchanan's offer of July 12, 1845, were the deflection from the parallel of 49° down the middle line of the Straits of Fuca, so as to give the whole of Vancouver Island (instead of free ports) to the British, and the

grant of rights of navigation on the Columbia River to the Hudson's Bay Company and British subjects trading with it. The latter provision excited a good deal of American criticism, but soon turned out to be of no moment whatsoever.*

How were the public and the President's party prepared to accept so great a departure by the administration from the former declarations of its chief and from the platform on which he had been elected? The task was a difficult one, nor is the evidence entirely clear as to the actions of Polk in the matter, but I think there can be little doubt about the main facts. Benton writes that he and others in Congress were urged by Polk and members of the Cabinet to speak in favor of compromise on the line of 49°, and this is almost certainly the exact state of the case.

It is true that Polk's Diary nowhere admits that its writer had changed his views, and indeed is persistently written as if he were still in favor of maintaining our

* In regard to the later as well as the early history of Oregon, H. H. Bancroft's History of that State is very full. The negotiation of the treaty of 1846 can be followed in the diplomatic correspondence to be found in the Congressional Debates as sent with various messages of the President. Further very important correspondence upon the subject is printed in Curtis's Life of Buchanan, vol. i., and important details of Benton's relation thereto are to be found in the View, vol. ii., pp. 426–432, 468–478, 565, 566, 624, 625, 661–677. Polk's Diary has also been largely used by the author, the text sufficiently indicating where such is the case. McLaughlin's Life of Cass and Sir Arthur Gordon's Life of Lord Aberdeen may be consulted with advantage. See also Schouler's United States, iv., pp. 504–514, and Burgess's Middle Period, pp. 311–326. The well-known legend of Marcus Whitman (which is relied upon in the last-mentioned work) is examined and thoroughly exploded by Professor Edward G. Bourne in the American Historical Review, vol. iv. (January, 1901), p. 276, etc. See also discussion of this paper by Principal W. I. Marshall, of Chicago, in Annual Report of the American Historical Association (1900), vol. i., pp. 221–236.

right to the whole country, but there can, in my opinion, be no doubt that he was in reality anxious to compromise and to get out of the difficulty. No Secretary of State could possibly have written the series of letters that Buchanan was for months sending to McLane without his chief's knowledge and approval, and they were most distinctly in favor of the line of 49°.

Again, though the Diary does not once show Polk actively urging members to speak, yet it is noteworthy that Haywood (a personal friend of Polk and one of the leading Democrats to support 49°) was in conference with the President a few days before speaking upon the subject; and, though this was not so clearly the case with Benton, yet it is impossible to believe that a President really desiring to stand out for 54° 40′ would have had repeated conferences with Benton and not have urged him against expressing publicly his well-known and oft-repeated views in favor of the parallel of 49°. Nor is it conceivable that a real 54° 40′ man would have spoken to Benton as Polk did at an interview on April 9.

On this occasion Benton, after once more saying that, in his opinion, the line of 49° was the proper one, had added that, if Polk thought best, he would make a speech on the basis of settling on 49°, or he would do so in Executive Session. Polk replied that he could not advise him to speak in open Senate, because any speech so made was addressed to Great Britain as well as to ourselves, and harm had already so resulted; but he added that, if Benton chose to speak, he had better do so in Executive Session after notice.

It is equally inconceivable that on May 9—at a time when Benton's general views had been already given to the public—an earnest adherent of 54° 40′ would have entered in his diary that Benton, in speaking of the jurisdiction bill, "told me he would urge action upon it and that he intended to discuss the whole Oregon subject. I

told him I would be gratified, if he would take charge of the bill and urge its passage." Benton was by that time far too much out of favor with the supporters of 54° 40′ for any one of them to be gratified at his taking charge of any bill relating to Oregon.

I cannot, therefore, but think that both Polk and his Cabinet were secretly doing their utmost to bring about the compromise which was finally made; and that, as one means of preparing the public for this event, they were in reality urging their friends in Congress to speak and thus prepare the public gradually to accept a treaty based on the parallel of 49°. There can be no doubt that in this effort Benton was one of their main supports, and without him the plan might well have miscarried.

Not only was he universally known to be better informed as to the Oregon question than any other public man, so that his voice would carry great weight with the public, but no one but a man of his towering force of character could possibly have prevailed, under the existing circumstances, against the noisy and blatant eloquence of the "Fifty-Four Forties," led by such able debaters as Cass, Allen, and Hannegan. Few men have the courage to act the part he did here. The fierce struggle in the Senate was the least element in the matter, for he had to incur besides the gravest risk of breaking with his party. Already his course in regard to Texas had put him somewhat in a position of isolation, but he did not hesitate for a moment to go directly against the strongly prevailing sentiment in his own State upon the subject of Oregon as well.

The demand for the whole of Oregon was popular all over the West, but nowhere more so than in Missouri, which was in such close contact with the region and was on the line of emigration. It is said * that at a mass-

* Personal Recollections of Thomas H. Benton by Edward Dobyns in the Missouri Historical Society's Collections (MS.).

meeting in St. Louis, after a speech by Benton upon the subject, so strong was the feeling that a resolution condemning his course was introduced, but defeated; and a few years later, in referring in the course of a public speech to his course as to Oregon, which his friends had thought so dangerous to him, he said "he knew his constituents had been wrought up to 54 40, but he relied upon their equity and intelligence to give him a fair hearing and a safe deliverance. . . . He thanked his constituents for approving his conduct and going for their future good instead of their present wishes." *

It may then, I think, be assumed that Polk was anxious to have the way for the coming treaty prepared at once, so as to get his administration out of the difficulty into which it had fallen, and was urging Benton and others to speak fully upon the subject long before Benton did so. The latter finally chose his own time most opportunely, but his general opinion was well known throughout the session, was freely given in private to any one who asked it, and was indicated on more than one occasion in the Senate.

His first speech upon the general subject was made on February 19, on the resolution to terminate the joint occupation, and was short and strongly in favor of the general course pursued by the administration. Expressing approval of the refusal to arbitrate and of the various measures suggested in the message to protect emigrants to Oregon, he then went on to speak of Polk's offer of 49°, and said: "It has had a good effect at home and abroad. It has united the public mind at home, and it has quieted the ebullition which the misapprehension of the inaugural address had produced in Great Britain. It has united our own people for the event, be it what it may; and it has produced abroad a state of feeling highly

* Niles's Register, June 5, 1847, vol. lxxii., pp. 222, 223.

favorable to friendly negotiation. These are great points gained by the renewal of the liberal offer of compromise, and I rejoice that we have gained them."

And, despite the prophecies of war which so many were daily making, he said, "The times are propitious to negotiation; the state of the question is favorable to amicable adjustment. The two countries are not only at peace, but in good humor with each other. So far as I can see, both governments are for peace. The question is free from exasperation." Finally, he advocated the notice, not only so as to avoid the grave risk of collisions in the region, which would at once have aroused angry passions on both sides and made negotiation difficult, but also on the ground that it was "our right and duty to give it; that Great Britain has no right to take offence at it; and that, so far as it depends on me, it shall be given regardless of consequences."

Small wonder that this calm and dignified speech was a subject of warm commendation from many. Its quiet self-possession and evident confidence in a peaceful settlement on the line of 49° were in striking contrast to all the turmoil then prevailing, while the support of the administration in the compromise which they were preparing must have been a boon to them indeed. One feels that at last the turbid waters were about to clear and the process of crystallization to begin.

King wrote to Buchanan from Paris: "The speech of Colonel Benton was excellent, and proves him to be a statesman indeed," while the President and Cabinet evidently appreciated the value of his services, in spite of the fact that copious abuse was poured out upon him and others who were aiding the administration, by the official organ at Washington "and the five hundred Democratic papers throughout the Union which followed its lead. . . . It was a new thing under the sun," writes

Benton in the "View," "to see the Senator daily assailed in the government papers for carrying into effect the wishes of the government—to see him attacked in the morning for what the President was hurrying him to do the night before. His course was equally independent of the wishes of the government and the abuse of its papers. He had studied the Oregon question for twenty-five years—had made up his mind upon it—and should have acted according to his convictions without regard to support or resistance from any quarter."

It must forever remain a gross discredit to Buchanan and Polk that they were actually concerned in the preparation of such editorial articles criticising their real friends in the matter, and intended to deceive the public into thinking that the administration had been in favor of standing out for the whole of Oregon. If there is any truth at all in Polk's Diary, Buchanan, at least, was eager and even impatient from an early day to compromise the matter, and I do not think Polk was much less so, despite his pretences to himself in his Diary; yet in the succeeding autumn Buchanan prepared a series of articles for the *Pennsylvanian*—at least one number of which was submitted to Polk for examination—maintaining the opposite.

The pretence was that the Senate "would not maintain the President in his just and wise policy of asserting our right in Oregon up to the parallel of 54° 40′," and it was charged that "when in open session eminent Senators in debate disparaged the title of their own country and advocated the claims of Great Britain, . . . the effect could not fail to be disastrous." The course pursued by Benton and Haywood in particular was contrasted unfavorably with the patriotic efforts of Allen, Cass, and others, despite the fact that the author of the articles was the very same man who had written in a private letter to a friend in the preceding February that

"Colonel Benton's conduct and speech on the Oregon question are entitled to warm commendation." *

Of Benton it was said that even he "went strongly for the parallel of 49°. He became entangled in the meshes of the old treaty of Utrecht, which had been concluded more than one hundred and thirty years ago between Great Britain and France; and having without proper precaution chosen this position, it was impossible either to persuade or drive him from it. Indeed it is a striking characteristic of this great, honest, and generally wise statesman that when once he gets wrong on any subject all mankind may in vain attempt to set him right. . . . The colonel carried out his blunder in so bold a style that he even attempted to render 'the Fifty-Four-Forties,' as he termed them, ridiculous." The conclusion was that the course of procedure followed by Benton, Haywood, and the Whigs led the opponents of the President's policy, as well as the public in England, to say, "Look to the Senate," and that the consequence soon was that nothing could be done by the "patriotic administration." †

As Benton came to know in some way that Buchanan had had a hand in the preparation of these articles, it is only natural that we shall find him later suspecting treachery in the Cabinet upon other subjects. He took exception to Polk on March 12, 1847, in regard to "some

* Curtis's Buchanan, i., pp. 558, 559. Letter to McLane, February 26, 1846. The date is printed 1845, evidently an error.

† My quotations are from No. 8 and No. 9 (the last) of this series of articles, which are to be found in the *Pennsylvanian* of November 19 and 26, 1846; the prior numbers are printed in the issues of October 1, 3, 7, 15, 20, 23, and 28. There is no positive proof that Buchanan wrote or Polk saw all the numbers, but Polk's Diary of October 7, 1846, shows that Buchanan was "preparing" a series of articles upon the subject and had left No. 4 with Polk for examination.

number which Mr. Buchanan had written for the *Pennsylvanian* newspaper last fall on the Oregon question," but Polk did not apparently mention his own connection with the matter. Benton also complained to Forney (the editor of the *Pennsylvanian*) of the articles, and the latter came to Washington so as to meet any attack; but Benton let the matter drop, saying to Forney, "I did not proceed, because I knew you assumed the responsibility that belonged to another." *

The next friend of the administration who came forward to prepare the public for the coming event was Haywood, of North Carolina, and he did indeed go on a forlorn hope. Whether of his own motion or not, he very unwisely took up the impossible task of proving that Polk was in no way pledged to 54° 40′, and there was at once a furious onslaught upon him by Hannegan and others. He bore up well under the ordeal and was aided by the Whig Reverdy Johnson, but the odds were hopelessly against him in defence of such a palpably false contention.

Benton writes † that he "knew that Mr. Haywood spoke with a knowledge of the President's sentiments, and according to his wishes, and to prepare the country for a treaty upon 49°. He knew this, because he was in consultation with the President and was to speak for the same purpose, and was urged to speak immediately in consequence of the attempt to crush Mr. Haywood;" yet, a few days after Haywood's speech, the President intimated to several leading advocates of 54° 40′ that he had little or no knowledge of what Haywood had said. It may be safely assumed that such a scene as there was on that occasion in the Senate did not occur without the President's knowing all its main outlines.

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* John W. Forney's Anecdotes of Public Men, i., p. 22.

† View, ii., p. 666, and see p. 663.

Benton did not yet make his main speech, but on the 1st of April, in the course of a discussion with Cass in regard to the line of 49° under the treaty of Utrecht, he took the opportunity to show once more both what his general opinion was and that he fully expected to support the plans of the administration:

"I have," he said, "made no speech upon Oregon, and will make none at this time. And here I will answer publicly a question which is often put to me privately, '*Why don't you speak?*' Answer: I profess to be a friend to this administration, and mean to keep myself in a position to act according to my professions. I do not mean to run ahead of the administration in its appropriate sphere; I do not mean to take negotiation out of its hands; I do not mean to undertake to lead it, or drive it, to come in conflict with it, or to denounce it, with or without hypothesis, or before or after the fact. The President's position is arduous; his responsibilities to his God and his country are great. I believe he is doing his best to reconcile and accomplish together the great objects of the peace, the honor, and the rights of the country; and believing this, I shall hold myself in a position to view his acts with perfect candor, and with the strongest disposition to support him in what he may find it necessary to do."

It was not until nearly the end of May that Benton made his chief speech upon the question, using for the purpose a bill then pending "to extend the jurisdiction of the United States over the territory west of the Rocky Mountains." It may probably be assumed that he knew at this time from his relations with Polk and Buchanan that a proposal for settlement on the line of 49° was about to come from the British, and his speech, which occupied very nearly the whole of three days' sessions, was directed in the main to prove the propriety of settlement on that line.

He was by no means unconscious that he was playing an unpopular part, and began by saying, "It is my ungracious task . . . to commence by exposing error at home and endeavoring to clear up some great mistakes

under which the public mind has labored." He then went on to object that the pending bill did not define the limits of what we claimed as our own, but left to our agents

"the solution of questions which we find too hard for ourselves. This indefinite extension of authority, in a case which requires the utmost precision, forces me to speak and to give my opinion of the true extent of our territories beyond the Rocky Mountains. I have delayed doing this during the whole session, not from any desire to conceal my opinions (which in fact were told to all that asked them), but because I thought it the business of negotiation, not of legislation, to settle those boundaries. I waited for negotiation, but negotiation lags while events go forward, and now we are in the process of acting upon measures upon the adoption of which it may no longer be in the power either of negotiation or of legislation to control the events to which they may give rise."

On the question of the history of the country, it is wonderful to see how nearly his account contains all the main facts later put together from a thousand sources with such painstaking industry by the historian of the Pacific coast. The whole thread of the story with its complicated historical and geographical relations and the many conflicting rights of title growing out of it was at his fingers' ends and was marshalled in a way that must have carried conviction to many who had theretofore been in doubt.

He especially dwelt upon the status of the British settlements on Frazer River, and in accordance with a manner of which he was always fond, exhibited a large map and pointed out the line of that river well below the parallel of 54° 40′ and with a string of British posts on it from head to mouth and "clusters of British names, imposed by the British, visible everywhere," and then said that an effort on our part to take those British establishments "would be followed by war as quickly and as justly as an attempt to take their towns in Canada."

This point he pressed home on Cass in particular,—the only man in the Senate who made any real effort to discuss the question of title with him,—and called upon him to state our title to that district, but no answer was nor in reality could be made.

On the last day of his speech he took up the question of the value of the Columbia country, and urged—as he had in his earlier days as a lawyer in St. Louis—its vast importance to us as constituting "the American road to India" and offering us the control of the commerce of the East. His treatment of this subject also was at great length and will amply repay reading in full, but it is only possible to reproduce here the following extracts as samples of his breadth of view and broad comprehension of human affairs, and possibly as evidencing some forecast of coming events and tendencies in Asia and particularly in Japan in the years which have elapsed since his death:

"The value of the country—I mean the Columbia River and its valley (I must repeat the limitation every time, lest I be carried up to 54° 40′)—has been questioned on this floor and elsewhere. It has been supposed to be of little value—hardly worth the possession, much less the acquisition; and treated rather as a burden to be got rid of than as a benefit to be preserved. This is a great error, and one that only prevails on this side of the water. The British know better; and if they held the tithe of our title, they would fight the world for what we depreciate. It is not a worthless country, but one of immense value, and that under many aspects, and will be occupied by others, to our injury and annoyance, if not by ourselves for our own benefit and protection. Forty years ago it was written by Humboldt, that the banks of the Columbia presented the only situation on the northwest coast of America fit for the residence of a civilized people. Experience has confirmed the truth of this wise remark. All the rest of the coast, from the Straits of Fuca out to New Archangel (and nothing but a fur-trading post there), remains a vacant waste, abandoned since the quarrel of Nootka Sound, and become the derelict of nations. The Columbia only invites a possessor; and for that possession, sagacious British diplomacy has been long weaving its web. It is not a worthless

possession; but valuable under many and large aspects; to the consideration of some of which I now proceed.

"It is valuable, both as a country to be inhabited and as a position to be held and defended. I speak of it, first, as a position commanding the North Pacific Ocean and overlooking the eastern coast of Asia. The North Pacific is a rich sea, and is already the seat of a great commerce; British, French, American, Russian, and ships of other nations, frequent it. Our whaling-ships cover it; our ships-of-war go there to protect our interest, and, great as that interest now is, it is only the beginning. Futurity will develop an immense, and various, commerce on that sea, of which the far greater part will be American. That commerce, neither in the merchant-ships which carry it on nor in the military marine which protects it, can find a port to call its own within twenty thousand miles of the field of its operations. The double length of the two Americas has to be run—a stormy and tempestuous cape to be doubled—to find itself in a port of its own country; while here lies one in the very edge of its field, ours by right, ready for use, and ample for every purpose of refuge and repair, protection and domination. Can we turn our back upon it? and, in turning the back, deliver it up to the British? Insane and suicidal would be the fatal act! . . .

"Agriculturally the value of the country is great; and, to understand it in all its extent, this large country should be contemplated under its different divisions—the threefold natural geographical divisions under which it presents itself: the maritime, the middle, and the mountain districts.

"The maritime region—the fertile part of it—is the long valley between the Cascade and the Coast ranges of mountains extending from the head of the Wah-lah-math,* near the latitude of 42°, to the Straits of Fuca, near latitude 49°. In this valley lies the rich tide-water region of the Columbia, with the Wah-lah-math River on the south, and the Coweliske,† and the Olympic district, on the north. It is a valley of near five hundred miles long, north and south, and above one hundred wide; rich in soil, grass, and timber—sufficient of itself to constitute a respectable State, and now the seat of the British commercial and military post of Vancouver and of their great farming establishment of Nisqually.

"The middle district, from the Cascade range to near the base of the Rocky Mountains, is the region called desert, and which in the imaginations of many has given character to the whole country. In some respects it is a desert—barren of wood—sprinkled with

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* Willamette. † Cowlitz.

sandy plains—melancholy under the sombre aspect of the gloomy artemisia—and desolate from volcanic rocks, through the chasms of which plunge the headlong streams. But this desert has its redeeming points—much water—grass—many oases—mountains capped with snow, to refresh the air, the land, and the eye—blooming valleys—a clear sky, pure air, and a supreme salubrity. It is the home of the horse! found there wild in all the perfection of his first nature—beautiful and fleet—fiery and docile—patient, enduring, and affectionate. . . .

"The mountain division has its own peculiar features, and many of them as useful as picturesque. At the base of the mountains, a long, broad, and high bench is seen—three hundred miles long, fifty miles wide—the deposite of abraded mountains of snow and verdure through thousands of years. . . .

"Other and smaller benches of the same character are frequently seen, inviting the farmer to make his healthy habitation and fertile field upon it.

"Entering the gorges of the mountains, and a succession of everything is found which is seen in the alpine regions of Switzerland, glaciers only excepted. Magnificent mountain scenery—lakes—grassy valleys—snow-capped mountains—clear streams and fountains—coves and parks—hot and warm springs—mineral waters of many varieties—salt in the solid and fluid state—salt lakes, and even hot salt springs—wood, coal, and iron. Such are the Rocky Mountains in the long and broad section from the head of the Rio Grande del Norte, of the sunny South, to the head of the Athabasca, of the Frozen Ocean. This ample, rich and elevated mountain region is deemed, by those unacquainted with the Farthest West, to be, and to be forever, the desolate and frozen dominion of the wild beast and the savage. On the contrary, I view it as the future seat of population and power, where man is to appear in all the moral, intellectual, and physical endowments which ennoble the mountain race, and where liberty, independence, and love of virtue, are to make their last stand on earth.

"Thus, agriculturally, and as producing the means of human subsistence—as sustaining a population, and supplying the elements of wealth and power, as derived from the surface and the bowels of the earth—I look upon the region drained by the waters of the Columbia as one of the valuable divisions of the North American continent. . . .

"Commercially, the advantages of Oregon will be great—far greater than any equal portion of the Atlantic States. The Eastern Asiatics, who will be their chief customers, are more numerous than

our customers in Western Europe—more profitable to trade with, and less dangerous to quarrel with. Their articles of commerce are richer than those of Europe; they want what the Oregons will have to spare—bread and provisions—and have no systems of policy to prevent them from purchasing these necessaries of life from those who can supply them. The sea which washes their shores is every way a better sea than the Atlantic—richer in its whale and other fisheries—in the fur regions which enclose it to the north—more fortunate in the tranquillity of its character, in its freedom from storms, gulf-streams, and icebergs—in its perfect adaptation to steam navigation—in its intermediate or half-way islands, and its myriad of rich islands on its further side,—in its freedom from maritime powers on its coasts, except the American, which is to grow up at the mouth of the Columbia. As a people to trade with—as a sea to navigate—the Mongolian race of Eastern Asia, and the North Pacific Ocean, are far preferable to the Europeans and the Atlantic. . . .

"I say to my fellow-citizens: Through the valley of the Columbia, lies the North American road to India. Twenty-eight years ago I wrote something on this head, and published it. A quarter of a century of experience and observation has given me nothing to detract from what I then wrote—nothing to add, except as derived from the progress of the arts, and especially omnipotent steam.

"The trade of the East has always been the richest jewel in the diadem of commerce. All nations, in all ages, have sought it; and those which obtained it, or even a share of it, attained the highest degree of opulence, refinement, and power. The routes through which it flowed fertilized deserts, and built up cities and kingdoms amidst the desolation of rocks and sands. Phenicia, Egypt, Persia were among the ancient thoroughfares of this commerce; Constantinople and Alexandria among its modern channels; and Venice and Genoa in the south, and Bruges and Antwerp in the north, the means of its distribution over Europe. All grew rich and powerful upon it; and with wealth and power came civilization and refinement. The Cape of Good Hope became the recent route, with wealth to its discoverers, the Portuguese, and to all their rivals and followers—the Dutch, English, French, and others. . . .

"The effect of the arrival of the Caucasian, or white race, on the western coast of America, opposite the eastern coast of Asia, remains to be mentioned among the benefits which the settlement of the Columbia will produce; and that a benefit, not local to us, but general and universal to the human race. Since the dispersion of man upon earth, I know of no human event, past or to come, which

promises a greater and more beneficent change upon earth than the arrival of the van of the Caucasian race (the Celtic-Anglo-Saxon division) upon the border of the sea which washes the shore of the eastern Asia. The Mongolian, or yellow race, is there, four hundred millions in number, spreading almost to Europe, a race once the foremost of the human family in the arts of civilization, but torpid and stationary for thousands of years. It is a race far above the Ethiopian, or black—above the Malay, or brown (if we must admit five races),—and above the American Indian, or red; it is a race far above all these, but still far below the white; and, like all the rest, must receive an impression from the superior race whenever they come in contact. It would seem that the white race alone received the divine command, to subdue and replenish the earth! for it is the only race that has obeyed it—the only one that hunts out new and distant lands, and even a New World, to subdue and replenish. Starting from western Asia, taking Europe for their field, and the sun for their guide, and leaving the Mongolians behind, they arrived, after many ages, on the shores of the Atlantic, which they lit up with the lights of science and religion, and adorned with the useful and the elegant arts. Three and a half centuries ago this race, in obedience to the great command, arrived in the New World, and found new lands to subdue and replenish. For a long time it was confined to the border of the new field (I now mean the Celtic-Anglo-Saxon division); and even fourscore years ago the philosophic Burke was considered a rash man because he said the English colonists would top the Alleganies, and descend into the valley of the Mississippi, and occupy without parchment if the Crown refused to make grants of land. What was considered a rash declaration eighty years ago is old history in our young country, at this day. Thirty years ago I said the same thing of the Rocky Mountains and the Columbia: it was ridiculed then; it is becoming history to-day. The venerable Mr. Macon has often told me that he remembered a line low down in North Carolina, fixed by a royal governor as a boundary between the whites and the Indians; where is that boundary now? The van of the Caucasian race now top the Rocky Mountains, and spread down to the shores of the Pacific. In a few years a great population will grow up there, luminous with the accumulated lights of European and American civilization. Their presence in such a position cannot be without its influence upon eastern Asia. The sun of civilization must shine across the sea: socially and commercially, the van of the Caucasians, and the rear of the Mongolians, must intermix. They must talk together, and trade together, and marry together. Commerce is a great civilizer—

social intercourse as great—and marriage greater. The white and yellow races can marry together, as well as eat and trade together. Moral and intellectual superiority will do the rest: the white race will take the ascendant, elevating what is susceptible of improvement—wearing out what is not. The red race has disappeared from the Atlantic coast: the tribes that resisted civilization met extinction. This is a cause of lamentation with many. For my part, I cannot murmur at what seems to be the effect of divine law. I cannot repine that this Capitol has replaced the wigwam—this Christian people replaced the savages—white matrons the red squaws—and that such men as Washington, Franklin, and Jefferson have taken the place of Powhattan, Opechonecanough, and other red men, however respectable they may have been as savages. Civilization, or extinction, has been the fate of all people who have found themselves in the track of the advancing whites, and civilization, always the preference of the whites, has been pressed as an object, while extinction has followed as a consequence of its resistance. The black and the red races have often felt their ameliorating influence. The yellow race, next to themselves in the scale of mental and moral excellence, and in the beauty of form, once their superiors in the useful and elegant arts, and in learning, and still respectable though stationary; this race cannot fail to receive a new impulse from the approach of the whites, improved so much since so many ages ago they left the western borders of Asia. The apparition of the van of the Caucasian race, rising upon them in the east after having left them on the west, and after having completed the circumnavigation of the globe, must wake up and reanimate the torpid body of old Asia. Our position and policy will commend us to their hospitable reception: political considerations will aid the action of social and commercial influences. Pressed upon by the great powers of Europe—the same that press upon us—they must in our approach hail the advent of friends, not of foes—of benefactors, not of invaders. The moral and intellectual superiority of the white race will do the rest: and thus, the youngest people, and the newest land, will become the reviver and the regenerator of the oldest. . . .

"Mr. President, I have performed a painful duty—one from which I have long held back, hoping that events would correct the errors of the day, and free the country from danger. There was great danger of war with Great Britain when Congress met last fall, and all upon a mistake and a blunder. War speeches and war preparations were immediately commenced on this floor, and the people were inflamed up to the fighting point. . . . For two years the people have been indoctrinated with a Russian line upon 54° 40′,

from the sea to the Rocky Mountains, the Russians owning all north, and we all south, and leaving no room for Great Britain between. Well! the treaties supposed to establish this boundary, and thus to cut out Great Britain, are produced, and they show that there is no such line—that the United States line with Russia is insular, and not continental; and that Russia, by treaty, admits the British title quite out to the Pacific Ocean, and covering the exact place where the boundary of 54° 40′ was supposed to be established! . . . For two years the people have been told that every acre and every inch—every grain of sand, blade of grass, and drop of water, from 42° to 54° 40′, is ours. Geography, history, and the maps are produced, and show that Frazer's River flows from 55° to 49°—discovered by the British in 1793—settled by them in 1806—covered from head to mouth with their settlements, and known by the Scottish name of New Caledonia when we negotiated with Spain in 1819; and then the Executive documents are produced, which show that this river and its settlements were admitted to be British property by Mr. Monroe's Administration, who no more set up a title to it under the Spanish treaty of 1819 than they set up a title to Canada under the same treaty. Yet our warlike Fifty-Four-Forties opened the session with demands for ships and troops to fight Great Britain for this very Frazer's River! A demand which put her up to ships and troops on her side, until she saw that these intrepid invaders of New Caledonia would be set right at home. From that moment her war-fever abated; the war-fever of our valiant invaders abated also: they now cry war no more; and, to do them entire justice, I verily believe they had never heard of Frazer's River at the time they proposed to walk over it in their march to fifty-four-forty. They are now peaceable enough; and all we have to regret is the discredit which their want of acquaintance with our own treaties—want of acquaintance with our own documents—and want of acquaintance with our own geography, has brought upon us in the eyes of Europe and America.

"The danger is passed. The language and conduct of Great Britain is pacific—perfectly so. She was a little ruffled at first; as who would not be at the menaced invasion of a province? But since she has seen that the invaders are brought to a stand at home, she seems to have recovered her good humor, and the Oregon question has nearly died out with her. . . .

"I have no personal interest in this matter. After long delay I have spoken publicly (for my opinions were never a secret) what my duty to my country required at my hands, and according to the knowledge which thirty years' study of the subject has given to me.

I have been fighting the battle of Oregon for thirty years, and when it had but few friends, though now entirely eclipsed by the new converts. I am where I always have been, and rejoice to see the question coming to the conclusion which I have always deemed the right one. For my justification in making head against so much error, I throw myself upon the equity and intelligence of my countrymen, and, never having had any fear for myself, I now have none for my country." *

The time selected by Benton for his speech turned out to be highly opportune, and as a matter of fact at the very moment of its delivery dispatches from the British government were hurrying across the ocean to Pakenham, directing him to offer again the compromise on the line of 49° which Benton was arguing for. When, then, the British project was handed Buchanan on June 6, there remained in reality but little to be done; and yet it is one of the curious points in the history, as shown by Polk's Diary, that even at this late date there was very nearly a quarrel in the Cabinet upon the subject, and a few days earlier (June 3), when the coming project was fully and accurately outlined in a letter of McLane, Polk wrote in his Diary that it was certain he could not accept it, and that he did not see, therefore, how he could submit it to the Senate.

At the Cabinet meeting on June 6, though there is nothing to show that Polk maintained or even presented this view, yet the subject was discussed at length, and it is plain enough that members were anxious to make

* These extracts are from C. D., 29th Cong., 1st Sess., pp. 913–919. Benton's chief speech upon the subject (made on the Oregon Jurisdiction Bill)—of which these extracts are a part—is to be found in ibid., pp. 851–855, 857–862, 913–919. See also ibid., pp. 153, 253–254, 404, 405, 581–583, 589, 590, 894, 895. Cass's answer is in ibid., pp. 587–589, and see ibid., appendix, pp. 511–514. Benton's speech in Executive Session on the ratification of the treaty is in ibid., appendix, pp. 867–869. Cass's speech against the ratification of the treaty is printed in ibid., 29th Cong., 2d Sess., appendix, pp. 26–30.

their records straight and not appear to be in favor of a compromise against which there had been a great hue and cry. At one stage of the discussion Buchanan angered the others very much by saying "the 54° 40′ men were the true friends of the administration, and he wished no backing out on the subject." As he had for over a year been hot-foot to compromise the question, it was natural that the other members thought he was not sincere in this and was merely trying to make up a record; but, I cannot for my part, escape the belief that possibly others of the Cabinet, and certainly Polk, were equally fencing for position. For some days after this, and until the treaty was sent to the Senate on June 10, there was a deal of discussion over the mere form of the message to go with it and different drafts were made by Polk and Buchanan, and there can be no doubt that the two latter were very close to a rupture.*

The plan of consulting the Senate in advance of the drafting of a final treaty was very important to the administration after Polk's past declarations as to Oregon, and as a party move made its position vastly easier. In the message transmitting the project he maintained that his opinions had undergone no change, and threw

* The fact of these very serious bickerings in the Cabinet does not seem to have been known to Buchanan's biographer; as a matter of fact, Buchanan was distrusted by Polk to the end of the administration (see passim, February, 1849), and in one instance (see February 21, 1848, and passim there) was for a time suspected of being concerned in the publication of some scurrilous newspaper articles, and Polk thought of dismissing him. Curtis also did not know that after the occasion when Buchanan seems to have wanted to go on the Supreme Bench, but had to give it up pending the Oregon negotiations, Polk made him once more a formal offer of the position and had no doubt that he would accept. Buchanan considered the subject, but became inspired with presidential aspirations, and ended by deciding to remain in the Cabinet. See Polk's Diary, *e.g.*, under August 1 and September 11, 1846, and November 1, 1847.

the responsibility of deciding whether to accept or reject entirely upon the Senate.

It has been the usual custom among us for the Executive to agree with a foreign power upon a formal treaty, and only then to submit this completed instrument to the Senate for ratification; but Benton knew from our history that in earlier days the Executive had repeatedly consulted the Senate as to the terms of a treaty in advance of drawing one up, and as early as January 8, 1844, on a motion to call on Tyler for the instructions to our minister in England as to Oregon, he urged in a speech in the Senate that the older custom should be followed. He thought that in this way better terms would be secured, and maintained that the treaty of Washington would not have been so favorable to the British, as to the boundary on the Northeast, if the Senate had been consulted in advance.

Benton intimates * that he suggested this plan to Polk about the time (June, 1846) when Pakenham handed Buchanan the project of a treaty, but he must have done so earlier, or else the administration either conceived the plan for itself or took the idea from Benton's speech of January, 1844, for Buchanan's correspondence shows that such was their intention at least as early as December 13, 1845, and Polk's Diary intimates the same thing in October.

Benton also writes that about the time when the British project was handed Buchanan, he consulted large numbers of the Whig Senators in advance as to their course of action upon a treaty based on the line of 49° and found that they would afford every aid in carrying it, so that he was able to assure the administration that the treaty would secure the requisite majority, despite the large numbers of Democrats opposed to it. So well

* View, ii., p. 674.

indeed was this known that when, on June 6, Pakenham handed Buchanan the British project, the latter wrote a friend that the Oregon question might be considered settled. But on the very eve of sending in his message Polk was still, according to Benton, "a prey to anxiety as to the conduct of the Whigs," and sent * once more for Benton, but was again assured that two-thirds of the Senate would favor the proposition, and after but three days the Senate, on June 13, by a vote of thirty-seven to twelve, advised the acceptance of the proposal.

The debates were but short, and the only hesitation was as to the limited right conceded to the Hudson's Bay Company and traders with it to navigate the Columbia. The doubt was whether or not this would extend to a possible renewal of the then company's charter after its expiration in 1859; but we were anxious to have the Oregon question out of the way because of the war with Mexico, which had begun by that time, and probably also because of the evidently impending change of ministry in England, so we did not care to run the risk of once more calling for change upon a matter which did not seem vital and has given no trouble at all.

With this the Oregon question passed into history, for the treaty which was at once drawn in exact accordance with the resolution of the Senate approving the British project was of course ratified on both sides. Some English writers † have thought that the project was an ultimatum in the ordinary sense, but no greater error could be made. It is clear beyond peradventure

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* Polk's Diary does not mention this interview, and the only reference to the probable course of the Whigs that I have come across is when on February 28, 1846, Buchanan told Polk that he had information that a Whig caucus had decided not to give their advice on Oregon, if asked in advance, but to leave the whole responsibility to the Executive.

† Sir Arthur Gordon's Life of Lord Aberdeen, p. 180.

that it was only drawn by the British cabinet after carefully ascertaining in advance what terms Polk was willing to agree to, and was closely in pursuance of what Buchanan had months before told McLane would be submitted to the Senate by the President and probably be ratified. Moreover, it is perfectly clear that the British were prepared to alter the terms of the project and accept less favorable ones, in case of its non-approval in this country, and this was almost admitted in words by Aberdeen to McLane.*

It would doubtless have been better for the interests of the United States if we had secured the whole of Oregon, but we clearly did not own the entire region, and the treaty of 1846 was as fair to both sides as it is possible to be in such a case. Some have thought our true policy was to follow Calhoun's advice and merely wait, thus letting the inrush of American settlers soon control the whole region in our interest, and this is often a wise national policy; but in this particular instance (as Benton intimated in his speech on February 19) some collision would surely have occurred in the region and blood have been spilled, and in the excited state of feeling in the two countries this would almost certainly have precipitated a war. It is a curious study in the methods of human affairs that it was only the "bluff" of the Fifty-Four-Forties that at length secured for us so reasonably fair a settlement, but we can at least console ourselves with the reflection that, if we did secure our point by a not inspiring attack of blatancy, our opponent had for the better part of half a century followed the politician's advice to "claim everything," and had insisted upon rights in the valley of the Columbia to which she was far less entitled than were we to the whole of Oregon.

* McLane to Calhoun, May 18, 1846, printed in Calhoun's Correspondence, pp. 1081, 1082.

The other great settlement with England of about this same period had been made during the preceding administration of Tyler, and referred in the main to the boundary between the countries on the Northeast. Here again Benton took a very active part, though it will be found that his views had little actual effect. Ashburton had been authorized to settle all matters in dispute between us, but it is evident now that at his date England would not have agreed to any settlement of the Northwestern boundary which we could have thought of. It was for this reason that Webster soon left the Northwestern question aside in his negotiations with the British emissary and confined the Treaty of Washington to the boundary on the Northeast and other minor matters.

Benton aways maintained that this was not only very unjust to the West, but was, moreover, a grievous blunder in any event, and that a complete settlement of all questions should have been made or none whatsoever, and there was beyond question great force in this contention. England needed almost imperatively certain territory on the Northeast which it is not too much to say belonged in reality to us. She was—as Benton maintained at the time—extremely anxious to secure a military road between Halifax and Quebec, and had indeed been persistently aiming at this end since at least 1822.*

It was undoubtedly, therefore, a questionable policy to yield to her this one main point for which she was so anxious and to leave entirely aside a second main question of great and growing importance to us. Still, the Treaty of Washington contained provisions in our favor which made some counterweight for our concessions on the Northeast, and was one of those cases of compromise in which numbers of the public men on both sides always

* Stratford Canning admitted to Adams in that year that such was their purpose. J. Q. Adams's Diary, vi., pp. 90, 91.

maintain that the whole benefit has accrued to the other party.

Benton undoubtedly approached the matter from a stand-point of opposition, and had, moreover, an entire lack of confidence in Webster's fitness for such a negotiation. Though quite appreciating the stupendous intellectual ability of the great New Englander, and admiring to the full the magnificent position filled by him at times, the case in hand was, in Benton's opinion, one calling more for an iron will than for a shining intellect, and he well writes that Webster " was not the man, with a goose-quill in his hand, to stand up against the British empire in arms."

In the earlier case of the " Caroline" and McLeod, when Webster, as Secretary of State, had undoubtedly receded too quickly from the bolder position taken by his predecessor and had admitted in panicky haste the claims of the British government, Benton maintained later in the Senate that he had understood Webster's tendencies so well as to prophesy exactly what would happen on the very day when the imperative British demand was known in Washington.

Again, in regard to the negotiations as to our maintaining a fleet for the suppression of the slave-trade, Benton seems to have feared that Webster was yielding some of our historic position as to the right of search (or of visitation, to use the new word coined for the occasion), and long tried to ferret out what was really being done in the matter; and when later it became known that Webster had written letters to Ashburton against the old British claim of a right of search, and had secured an infinitely guarded reply, Benton insisted in the Senate, with the approval of members, that this was all wrong, and that our national dignity required that, after we had once gone to war on the subject, it should not have been mentioned on our side, and that,

"if mentioned by the British negotiators, [Webster] should have replied that the answer to that pretension was in the cannon's mouth."

With these feelings in his mind as to the general course of the American negotiator, and with a treaty before him negotiated by the Whigs, it was to be expected that Benton would oppose the Treaty of Washington, and he did oppose it persistently and to the end. Indeed, so profoundly in earnest was he that the occasion was apparently one of the few in which he carried public affairs home with him and became silent and abstracted in his family circle.

Nor did he by any means confine his opposition to the concession of the long-sought military road, but objected equally for numerous other reasons in a very long speech. The unusual method of conducting the negotiation without protocols, so that no one could learn how the treaty had grown, and the silent abandonment of the question of the release of slaves from vessels driven by stress of weather into English ports, were among these; and so was the agreement to surrender certain civil offenders, which he maintained would soon lead to the giving over of political offenders in general, and was now meant to bring about the surrender of the recent Canadian rebels.

Whatever may be thought of the Treaty of Washington as a whole, it cannot, in my opinion, be doubted that some of Benton's views were colored by the necessities of the great battle of politics. It is one of the ills of party government, but absolutely unavoidable in all countries, that the party which is out of office shall oppose measures further than they ought to be opposed and, evil though this may be in some aspects, yet it has at least a good side in leading to a full understanding and proper conclusion. It cannot be decided to what extent Benton was led on by these partisan feelings in this mat-

ter, but it would be hard to doubt that he thought the treaty ought, on the whole, to be beaten.

He was undoubtedly one of the most dogged of our public men in the maintenance of what he thought our just rights, and was strongly opposed to that tendency to be gentle and yielding, with the English in particular, which has in all our history been a marked trait in the character of some of our statesmen and was certainly so in the case of Webster. But, important as the matter seemed to Benton at the time, his efforts had but little effect, and only he and eight other members of the Senate voted against the treaty, while thirty-nine voted in favor of ratification.*

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* For the statements in regard to the British treaty, see View, ii., p. 91. C. G., 27th Cong., 1st Sess., appendix, p. 43. Ibid., 27th Cong., 3d Sess., pp. 56, 64, 79–81, 85, 331–334. Ibid., appendix, pp. 1–27. Memoirs of John C. Frémont, i., pp. 414, 415.

CHAPTER XVII

SOUTHERN VIEW OF SLAVERY—EARLY EFFORTS AT EMANCIPATION—GROWING ABOLITION SENTIMENT IN THE NORTH—THE PERSONAL LIBERTY LAWS, ETC.—BENTON'S GENERAL COURSE—VOTES AGAINST CALHOUN'S INCENDIARY PUBLICATIONS BILL

We have now reached a point in Benton's career where we shall be met at every turn by that question which finally broke his power as a public man and relegated him to private life. Slavery had been warmly under discussion at the time he came to Washington in 1820 to enter the Senate, but after this date not very much was heard of it in the halls of Congress until near the end of the first third of the century, when the fire burst forth once more with redoubled fury. From then on until after his death hardly a session passed without the most desperate battles upon the subject, and these grew more and more fierce as time wore on. And when finally the South, aiming to save her waning power by the annexation of new territory from which to create more slave States, succeeded in wresting vast regions from Mexico, the new possessions, instead of securing forever that system which was an essential element in her whole social being, became in reality the underlying cause which led to the tragic bouleversement of 1861–65.

It is absolutely essential to consider here the subject of slavery and the agitation in regard to it on both sides, and there is, happily, evidence in some recent writings that the time is at hand when this can be done free from the control of mere passion and prejudice. May it not, too, be hoped that Benton's career offers a better chance

for an impartial treatment of the subject than that of others of our great men?

A Southerner by birth and training, he was for many years a supporter of the claims of the South upon the subject, but he was throughout his whole career above all things a lover of the Union as the sheet-anchor of our hopes. He accordingly detested with a very loathing the early abolition excitement, the tendency of which to undermine the Union he at once fully appreciated, and acted with the South in all the earlier efforts to allay it; but his view was that in the later stages of the struggle the South became in turn the aggressor, and that her great leaders flung aside all else but sectional advantage and purposely aimed to keep up the agitation, with even the conscious design of destroying the Union. This at once aroused his love of the broad country he called his, and he entered upon a course of opposition which ended only with his death. Such a career brought him bitter criticism in his lifetime as a renegade and a traitor, but history will probably record that he held in the main a course more nearly right than did many of his contemporaries on either side.

In order to understand his position in the early stages of the contest it is absolutely essential at the very start to try and put ourselves as closely as we can in the state of mind of the average Southerner of a hundred years ago in regard to slavery. It was in the nature of things impossible that the South should look upon slavery as we do to-day, or as did some few people of that time who lived at a distance. The fact cannot be doubted that the system was a thoroughly bad one, but that is not the question here. The point for us now is that the South had been born and bred to it for generations.

From the day when his childish mind began first to open and to observe, the Southerner saw the whole civilization about him based on this system. The nursery, the

household, the field, all public and private life, the teachings he received from those whom nature made his early years believe infallible, everything taught the same lesson that the blacks were of right a subject race and were incapable of any higher end. And as the years advanced and intelligence grew, the young man came to see with his own eyes the boundless chasm which divided the whites from the blacks. On the one side a proud race of masterful white men; on the other a horde of blacks, immeasurably beneath the whites in every respect, with incapable brains and with all their features and brutal passions speaking aloud of recent emergence from utter barbarism, while their childlike heedlessness and incapacity to organize seemed to stamp them as a people fit only to be led and domineered by a superior race.

Nor was this more than the beginning of the evidence of incapacity, for growing knowledge soon taught that even these blacks were above their ancestors who had been brought to America and who were fair types of the African negro,* and that in all the æons of time this race had never yet once developed a semi-civilization nor more than a handful of men of even any pretence of high capacity. Other races have in numerous instances evolved a real civilization within themselves, the African negro never. And in the few cases in which, after having been partly civilized by long contact with their white masters, they have then been left to themselves—as in some of the West India islands—they have beyond question largely gone backward on the road leading to barbarism.

With all these facts staring him in the face, it cannot excite wonder that the average Southerner simply ac-

* I use the term ordinarily employed, which is, however, tautologous, for all the true negroes are of African origin and, indeed, confined to limited areas of that continent.

cepted slavery as a thing perfectly natural, and that even those few who disapproved in the abstract of the system came to feel that their whole civilization was so interwoven with it that the wit of man could not devise a cure, and looked upon it somewhat as we do upon pain, the existence of evil, or that crushing struggle of life which inflicts such fearful hardship.

These early impressions, of which I have endeavored thus to suggest the bare outlines, must have been a part of the very bone and fibre of Benton's mind. Probably cared for by a "mammy," his childhood in North Carolina was at least surrounded on all sides with slavery, and it has been seen that youth in Tennessee found him directing and managing slaves of his own or of the family. He said of himself in secret session in 1844, "I am Southern by my birth—Southern in my affections, interests, and connections—and shall abide the fate of the South in everything in which she has right upon her side. I am a slave-holder, and shall take the fate of other slave-holders in every aggression upon that species of property, and in every attempt to excite a San Domingo insurrection among us."

And a very few years later he said, "I was born to the inheritance of slaves, and have never been without them. I have bought some, but only on their own entreaty, and to save them from execution sales; I have sold some, but only for misconduct. I have had two taken from me by the abolitionists, and never inquired after them; and liberated a third who would not go with them." Throughout his whole life he seems to have kept them as household servants, and as late as 1850 he was one of the few members of Congress who were in the habit of bringing their slaves to Washington.*

* C. G., 28th Cong., 1st Sess., appendix, p. 485. Speech at Jefferson City, Missouri, May 26, 1849, printed in pamphlet form. C. G., 31st Cong., 1st Sess., appendix, p. 681.

With this life history behind him, Benton would have been almost superhuman if he had not in the main accepted slavery. It is true that while he was a student of law he became convinced by one of the appendices to Tucker's "Blackstone" that the system was a bad one, but he was far from accepting the remedy of emancipation, and thought it would be fraught with far greater ills than the disease. It may be conjectured that he would have endorsed the view of Macon, that "it is in vain to talk of turning these creatures loose to cut our throats." The dread of slave uprisings was ever present in the South and exerted a marked influence upon its course from the day when abolition began to be agitated, and indeed from the time of the Hayti insurrection.

More than one of Benton's speeches show this fear on his part, and he was undoubtedly in favor of keeping the black race—including the free negroes—in a state of subordination, so as to minimize the danger. In one instance in 1842 he earnestly supported an amendment proposed by Calhoun to an army bill intended to prevent the enlistment of free blacks, and said that "arms ought to be borne by the white race only. This was the first time he ever heard that the black race carried arms;" and in 1850, during the proceedings upon the fugitive-slave bill, he voted (as was beyond doubt absolutely necessary to make the remedy of any effect) against giving the alleged slave a trial by jury in the place where he might be arrested, contending that the arrest and return to the State whence he had escaped were similar to extradition, and that any trial should then be had in the forum to which he was returned.*

The distrust in the South of the ultimate intentions

C. G., 27th Cong., 2d Sess., p. 806. View, ii., 778, 779. For Benton's early opinions, see C. G., 31st Cong., 1st Sess., appendix, p. 681. Macon's view is quoted in von Holst's United States, i. (1750–1833), p. 318.

of the North in the agitation against slavery began earlier and was of slower growth than is sometimes thought. It is undoubtedly true that numbers of leading Southerners of Revolutionary and somewhat later days were seeking for an escape from slavery, and it is not impossible that they might, if left to themselves, have found the means of securing gradual abolition; but there were others of even a very early day who looked with great suspicion upon the discussion of the subject in Congress. The dread of insurrections was never absent from them, and as early as 1797 Southern members had exhibited no little anger at the repeated presentation of abolition petitions.

Again, though the South largely furnished the support of the American Colonization Society and some other like bodies, yet Randolph, for example, in 1811, showed clearly enough his suspicions upon the subject when he complained that the French doctrines of the imprescriptible rights of man were " disseminated by pedlers from New England and elsewhere throughout the Southern country;" and the same eccentric member was greatly shocked when he attended a meeting of the African Institute in London and heard an English army officer say openly that in case of a revolt in Jamaica he should feel compelled to take part with the blacks as the oppressed party.*

Probably to the very end the South never fully appreciated how entirely the growth of the world was away from them, nor do they seem to have realized that the necessary tendency of American democracy was to produce a feeling of horror at the system and of profound pity for even the most degraded black, who might be seized and dragged back to bondage. It may be said of

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* Von Holst's United States, i. (1750–1833), p. 307. Garland's Life of Randolph, i., pp. 294, 295. C. D., vol. ii., part 1, 1825–26, p. 120.

slavery, if of anything, that the stars in their courses fought against it; at every revolution of the earth they looked down upon this so ancient system losing caste and power, and every decade developed new lines of opposition.

In 1815 the first of our abolition papers, Osborn's *Philanthropist,* was founded at Mt. Pleasant, Ohio, and in 1821 Lundy's *Genius* first saw the light of day. In 1822 an insurrection was suppressed in Charleston, thought to have been instigated (as was often the case) by a free black, and South Carolina passed her Negro Seamen Act, the chief purpose of which was to exclude free negroes and to curb their rights. This law led to an angry discussion of the whole subject in several States, and in the Georgia Legislature the opinion was authoritatively expressed * that they must say to the Union "we will no longer submit our retained rights to the snivelling insinuations of bad men on the floor of Congress."

The proposed Panama Congress furnished once more in 1826 a ground for discussion of the general subject in Congress, and Benton did but express Southern sentiment when he objected † to discussing our policy as to Hayti with "five nations who have already put the black man on an equality with the white, not only in their constitutions but in real life . . . who have . . . black generals in their armies and mulatto senators in their congresses." Randolph, too, in this debate exhibited his jealousy and suspicion in one of his rambling speeches; ‡ but at the next session the feeling of the South came out even more strongly.

A petition for aid was presented by the American Colonization Society and secured a favorable report from

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* McMaster's United States, v., pp. 199–206.

† Schouler's United States, iii., p. 366.

‡ C. D., vol. ii., part 1, 1825–26, pp. 112, 114, 115–131.

a special committee in the House, but in the Senate was laid upon the table on Benton's motion, after it had been openly opposed by some Southerners as "an entering wedge" for ulterior purposes. The defenders of the petition disclaimed any such purpose, but naïvely admitted that there might be "collateral consequences" of the society's proceedings for which, they claimed, "the society is not responsible." *

Early in 1831 Garrison began the publication of the *Liberator,* the most revolutionary of the early abolition papers, and by the end of 1835 there were three hundred and fifty anti-slavery societies in New England. In the same year that Garrison began his publication, Nat. Turner's insurrection † was crushed in Virginia after more than sixty whites had been murdered, and about this same time began the furious agitation in Congress over the presentation of abolition petitions. John Quincy Adams, who in 1831–32 disliked greatly to present them and evidently felt it unpatriotic to do so, soon became the leader in this form of agitation; and it is instructive to observe how about this time he came slowly to seek the abolitionists, and then, after much hesitation and balancing flung himself altogether to the side of the agitators and became their leading spokesman.‡

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* C. D., vol. iii., 1826–27, pp. 1214, 1215, 1532, 1533, 289, 319, 328, 334. Ibid., vol. iv., part 1, pp. 806, 808–810.

† It has always been disputed whether there was any relation of cause and effect between the *Liberator* and this insurrection, but it is at least noteworthy that in the very year when Garrison began his publication the paper penetrated so far south that the Georgia Legislature offered a large reward for the conviction of any one found circulating it. Schouler's United States, iv., pp. 211, 212.

‡ See his Diary, vol. viii., p. 454, January 10, 1832, where he says that in presenting such petitions a few days before he had "expressed the wish that the subject might not be discussed in the House, because I believed discussion would lead to ill-will, to heart-burnings, to mutual hatred, where the first of wants was harmony;

This is not the place to go at length into the question of the abolition petitions in Congress or of the agitation in regard to slavery in general. What concerns us is Benton's course upon the subject, and he was beyond doubt at all times of his career sincerely opposed to the agitation of this or any other subject which endangered the Union. It has been seen that he had urged in 1820 that Missouri should constitute herself a slave State, and he was strongly opposed to the efforts made in Congress to force her to give up the system.

He evidently became impressed at that time with the dangers to the Union which lurked in the partisan agitation of the subject then first started, and he could probably have said with Jefferson that the Missouri question, "like a fire-bell in the night, awakened and filled me with terror," if he was still too full of the hope of youth to go on with the older man, "I considered it at once the knell of the Union." It was his desire to prevent this agitation that led him to procure * the insertion in her Constitution of provisions intended to exclude the subject from the field of politics in Missouri, the chief of which was that the Legislature should "not have power to pass laws for the emancipation of slaves without the consent of their owners; or without paying them, before such emancipation, a full equivalent for such slaves so emancipated."

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and without accomplishing anything else." And yet this is the same man who a few years later repeatedly told Henry A. Wise that he would not abolish slavery in the District of Columbia, but wanted to preserve it for agitation until slavery in the States should be shaken from its base (Barton H. Wise's Life of Henry A. Wise, pp. 61, 62). Some slight hints as to his gradual change of view may be found in his Diary, ix., pp. 206, 207, 251–253, 255, 266–268, 302, 303, 349, 350, 365, 377, 380, 381. See also View, i., pp. 622, 623.

* View, i., pp. 8, 9. Art. iii., Sec. 26, of the Constitution of Missouri of 1820.

It will be found that, from the start to the finish of his career, he consistently followed the line of policy here indicated. He held that all real necessity for discussion had been removed by the Ordinance of 1787 and the Missouri Compromise, which prescribed exactly in what territory slavery should and should not exist, and he therefore looked upon the introduction of the subject soon after 1830 as being in a high degree unpatriotic and intended merely for the purpose of revolutionary agitation.

It cannot be doubted, moreover, that from about 1830 down to 1860 the abolition movement was distinctly coupled with a movement to break up the country. The abolitionists as a class cared little or nothing for the Union, and their leaders almost to a man openly detested and reviled the Constitution, were fairly ribald upon it, invoked curses upon it, and prayed and hoped for the dissolution and disruption of the Union by any means and at any cost.* This was of course gall and wormwood to Benton, who admitted that some of the abolitionists were "good people seeking benevolent ends by mistaken means," but insisted that as a class they were "incendiaries and agitators, with diabolical objects in view, to be accomplished by wicked and deplorable means. . . . He presumed it would be admitted that every attempt to work upon the passions of the slaves and to excite them to murder their owners was a wicked and diabolical attempt and the work of a midnight incendiary. Pictures of slave degradation and misery, and of the white man's luxury and cruelty, were attempts of this kind."

It was, moreover, impossible that a statesman should feel anything but detestation and even contempt for the absurd opinions and actions of the abolitionists. Utterly

* I reproduce this from my Life of Charles Jared Ingersoll, pp. 234, 235, where I have considered this question and adduced from pro-abolition writers ample evidence of the facts asserted.

impracticable throughout their whole course and stone-blind, in their furious fanaticism, to the hard truth of the negro's incapacity, one of their chief leaders, who has been well-nigh canonized among New England historians, actually thought after the war that "in a few years the blacks would be the sovereign race in the Southern States in wealth, intelligence, and power." * Where can a more blundering judgment be found in the whole history of human error?

In Benton's opinion, too, the abolition agitation was not only dangerous to the Union, but very harmful to the blacks and tended necessarily to drive the South to the support of the system. "Slavery in the abstract," said he in the debate on Foot's resolution in 1829, "has but few advocates or defenders in the slave-holding States, and slavery as it is—an hereditary institution descended upon us from our ancestors—would have fewer advocates among us than it has if those who have nothing to do with the subject would only let us alone. The sentiment in favor of slavery was much weaker before these intermeddlers began their operations than it is at present."

It cannot be doubted that the lot of the slave became a harder one just about the time the great agitation began after 1830, and though some writers have found deep-seated reasons for this in the invention of the cotton-gin and the consequent demand for slaves on large plantations, yet probably no reason but the agitation † would

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* Opinion expressed by William Lloyd Garrison in 1867. Life, Letters, and Friendship of R. Monckton Milnes (Lord Houghton), vol. ii., p. 175. Benton's speech is to be found in C. D., vol. xii., part 1, 1835–36, p. 85.

† This opinion was irresistibly forced upon the Rev. Nehemiah Adams, of Boston, who went South and investigated the subject of slavery about 1850, although he had theretofore been on the anti-slavery side. He wrote the "South Side View of Slavery," to give

ever have been suggested had not the subject been one of partisan discussion. Agitation against slavery and the circulation among the free blacks in the Southern States of what were well called incendiary publications, and were of course meant to reach the eye of the slave, could not but drive the South to harsh measures to protect herself from the hideous dangers of revolt. It was impossible for them willingly to tolerate that the passions of their slaves should be excited by pictures undoubtedly tending and even intended to lead them to violence.

Cartoons such as Benton received and described * representing "a large and spreading tree of liberty, beneath whose ample shade a slave-owner was at one time luxuriously reposing, with slaves fanning him; at another carried forth in a palanquin, to view the half-naked laborers in the cotton-field, whom drivers, with whips, were scourging to the task," were certainly fairly called appeals to the vengeance of the slaves, while others were of a disgusting and obscene character which need not be described. And these vile things were circulated through the South in just such forms as were likely to reach the blacks, being, for instance, printed on coarse handkerchiefs sent South for sale or folded inside the wrappers of chocolates and candies.

Benton points out how much harm was done to the slave by these means, and, among other instances, says † that a clause in the Missouri Constitution prohibiting the immigration of free negroes had been a dead letter until the abolition agitation began, when these unfortunate people were forced to leave the State in large numbers.

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his views upon the question, but his book is not cited as often as it should be. See also Ballagh's Slavery in Virginia, pp. 141, 142.

* C. D., vol. xii., part 1, 1835–36, pp. 85, 86.

† View, i., pp. 578, 579, and see p. 136. C. D., vol. xii., part 1, 1835–36, p. 87. Ballagh's Slavery in Virginia, p. 146.

He gave letters to several of them to show that they were not driven out because of any crime. The real reason for their expulsion was of course that their class furnished the point of contact by which the agents of abolition sought to reach the slave.

The way in which the subject came chiefly before Benton at about this time was in the abolition petitions, and he looked upon their introduction with complete disfavor and for some years acted with the Southerners in all their efforts to get rid of them. He generally gave merely a silent vote, so as to avoid discussion, and when he did speak, it was but shortly and with a view to putting the question quietly aside; and he writes that his opinion was that the mode of attaining this end should be pointed out by the Northern opponents of the agitation, as they must know best the way in which to allay the excitement in the North.

He even expresses * himself as having fully approved of the House rule of 1837–38, which was very similar to that of 1836, and provided that all petitions in regard to abolition, etc., "be laid on the table, without being debated, printed, read, or referred, and that no further action whatever shall be had thereon;" but it is evident that before this time he was growing restless and thought the Southern leaders were acting a highly impolitic course.

Indeed, as to this very matter of putting aside the abolition petitions, though he may at times have approved of high-handed measures in order to gain the end he held so important, yet he clearly thought the course finally adopted very unwise, and was one of the large majority to vote against the motion of Calhoun not to receive the Caln petition, and was probably among those who pointed out in advance that the refusal to receive

* View, ii., pp. 152–154.

would give the abolitionists the great advantage of standing on the right of petition. When, too, in 1838, after the crop of petitions of that session had been put aside by good majorities, Calhoun introduced his well-known series of resolutions upon the subject, insisting upon a discussion and vote on the abstract question, despite the general wish of the Senate simply to get rid of them, Benton writes of the error thus made of giving to the agitators the floor of the American Senate as a commanding theatre for the dissemination of their doctrines and the register of debates, instead of their local papers, for an organ of communication.*

Although he had himself at first been very anxious as to the effect of the anti-slavery agitation upon the Union, yet the conduct of the overwhelming majority in the North seems to have satisfied him for the time that there was no real danger, and in the "Thirty Years' View" he maintains more than once that the North was in general quite fair to the South upon the subject, and points out instances in which they even voted to increase the area of slavery, in spite of the protests of the few and despised abolitionists.†

He always held that the South had one just cause of complaint in the tariff laws, to which he traces much of its relative decline; but he was of opinion that about 1835 the great Southern leaders, with a view to consolidating their section and thus maintaining its power in the Union, became the chief agitators, and deliberately selected slavery for the purpose (in place of the tariff) as being a subject upon which all the Southern States could be kept united. And he refers to expressions of a later date as showing that, as early as 1835, Calhoun

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* View, i., pp. 612, etc., 619; ii., 135–140.

† Ibid.. i., pp. 59, 91, 624, 626, 690, 691. C. G., 31st Cong., 1st Sess., p. 658.

had been urgent to "force the issue" as to slavery upon the North with the avowed object of keeping the South united for the protection of her sectional interests.*

But at the same time that he thus disapproved of the conduct of the South, he also and equally disapproved of that of the Northern agitators upon the subject, and to the end of his career never ceased to deprecate their course. The "personal liberty laws," as they were called, of a later period found in him a determined opponent, and he always thought it grossly wrong that the North should pass such laws, as it were, to fret and tease the South.

To him, who knew the South so well and deeply loved the Union, this was like destroying the very cement which bound us together, and he thought that, although the repeal, for instance, by some of the Northern States of their Sojourning Laws † did not violate any formal clause of the Constitution, yet it was little short of a crime, in so close a Union as ours, thus to render it dangerous for the Southerner, on a visit to his brother or medical adviser in the North, to bring his children's nurses or other household slaves with him. This was not Benton's idea of the Union, which he thought should rest on mutual confidence and affection, and in one case he well expressed his general feeling when he denounced some Southern hints of disunion and said,‡ "We should no more look ahead for causes of disunion than we should look ahead for causes of separation from our wives, or for the murder of our mothers."

With this feeling of detestation of the Northern agi-

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* View i., pp. 609–623; ii., pp. 131, etc., 698–700.

† In Pennsylvania (as well as other States), upon the abolition of slavery, a proviso was inserted in the law to allow non-residents sojourning in the State not more than a certain period to continue to hold their slaves. This proviso was repealed in 1847. For his opinion as to the personal liberty laws, see View, ii., p. 777.

‡ C. G., 31st Cong., 1st Sess., p. 657.

tation in his mind from the day it began, Benton must have had many a struggle before reaching the position he finally occupied, but he was undoubtedly slowly drifting away from the South from somewhere about 1835. Indeed, it was during the session of 1835–36 that he first voted against the measures urged by it, upon Calhoun's bill for the suppression of incendiary matter in the mails.

Bitterly opposed though he was to this form of annoyance of the South, which he calls "diabolical work, as injurious to the slaves by the further restrictions which it brought upon them, as to the owners whose lives and property were endangered," he was yet so much dissatisfied with the methods proposed to stop it and the arguments on which these methods were based by Calhoun that he both spoke and voted against the measure. "It seemed to him," he said,* "to be going too far to invest ten thousand postmasters with the authority vested in them by this bill, and he could not vote for it. The authority was such an one as would lead to things they might all regret. He was very sorry to vote against any measure which, even in appearance, had for its object the suppression of so great an evil; but he thought this bill was not calculated to effect that object."

The general subject of the incendiary publications had been called to the attention of Congress by Jackson, and Calhoun had been appointed chairman of a special committee upon the subject; but the report he brought in was so largely based on the same general theories of our government from which he had deduced the doctrine of nullification that several members felt compelled to express their dissent from his reasons, and Benton wrote † years afterwards, in explanation of his vote against the bill, that

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* C. D., vol. xii., part 1, 1835–36, p. 1155.

† View, i., pp. 587, 588.

he was "tired of the eternal cry of dissolving the Union —did not believe in it—and would not give a repugnant vote to avoid the trial." The bill was defeated in the Senate by a majority of six.

As the years went on, and in the contest over slavery the South drifted more and more distinctly towards a separation from the Union, it will be found that Benton drew further and further away. His course in detail will appear later, but it had best be said here that, though he had urged in early life that Missouri should constitute herself a slave State, he came to be rather opposed to the creation of any new slave territory.

In the speech in secret session in 1844, which has already been quoted in part, after speaking of his Southern connections and of his determination to share the fate of the South in the abolition efforts to excite a servile insurrection among them, he had gone on, "I have my eyes wide open to that danger, and fixed on the laboratories of insurrection both in Europe and America; but I must see a real case of danger before I take the alarm. I am against the cry of wolf, when there is no wolf. I will resist the intrusive efforts of those whom it does not concern to abolish slavery among us; but I shall not engage in schemes for its extension into regions where it was never known—into the valley of the Rio del Norte, for example, along a river of two thousand miles in extent, where a slave's face was never seen."

And in his speech in Jefferson City in 1849, when referring to the fact that he had always held slaves and that therefore "my profession and conduct—no unusual thing with frail humanity—do not agree," he said, "My personal sentiments, then, are against the institution of slavery, and against its introduction into places in which it does not exist. If there was no slavery in Missouri to-day, I should oppose its coming in; if there was none in the United States, I should oppose its coming in to the

United States; as there is none in New Mexico or California, I am against sending it to those territories, and could not vote for such a measure."

At the same time it should be added that his course during even the latest part of his career shows that these opinions and determinations were by no means settled convictions never to be departed from, but rather strong tendencies of his mind which he thought expedient under all the circumstances. He was at an immeasurable distance from the position of the abolitionists and of many modern writers, that "anti-slavery" was above all other human objects, and he would certainly never for a moment have consciously imperilled the Union rather than permit new slave territory to be created.

CHAPTER XVIII

TEXAS—BENTON'S EARLY COURSE IN REGARD TO—OPPOSES PLAN FOR IMMEDIATE ANNEXATION IN 1842—DEFEAT OF TYLER'S TREATY—ENCOUNTER WITH M'DUFFIE—HIS PLAN FOR SECURING THE REAL TEXAS—RISING OPPOSITION TO HIM IN MISSOURI—HIGH COURAGE SHOWN BY HIM

BENTON always thought that the Florida treaty of 1819 gave up claims of the United States to Texas which ought to have been insisted upon, and as soon as the basis of the negotiations with Spain had become known, in 1818, he had bitterly opposed "cutting off Texas" and "dismembering the valley of the Mississippi. . . . The magnificent valley of the Mississippi," he wrote in the *St. Louis Enquirer,* "is ours, with all its fountains, springs, and floods; and woe to the statesman who shall undertake to surrender one drop of its water, one inch of its soil, to any foreign power." And on October 23 of the next year he wrote in the same newspaper, "As far as we can learn the sentiment of the West, the feeling is general for the occupation of the Floridas and of the country to the Rio Grande del Norte, if the ratification [of the treaty by Spain] is not sent in before the rise of the approaching Congress. If war grows out of these measures, it will be cheerfully met."

It was a mystery to him and many others at that date why our claims were so easily given up, but there can be no doubt to-day that the controlling reason was a political necessity at home. The North was very restless at the prospect of a great empire growing up in the South which would inevitably lead in time to an increase of Southern

power in the Union, and Monroe knew that a treaty giving us a wider boundary would have failed in the Senate.*

These reasons, valid though they were to Monroe, and even in the end to Adams, who had long held out in the Cabinet for a line farther to the southwest, would have appealed little to Benton as a Western man. And he was much pleased when he learned, early in Adams's administration, that Clay intended to make efforts to purchase a part of the territory from Mexico. Accordingly, though, as he wrote, he and Clay "were then separating in the new division of political parties," they had an interview at which Benton promised his cordial co-operation in any steps to recover Texas; and again, early in Jackson's administration, he was aware of the proposals as to Texas intended to be made to Mexico, and was one of those who wrote articles to the newspapers for the purpose of educating public sentiment.

Late in the summer of 1829 he addressed two letters, under the signature of "Americanus," to the *St. Louis Beacon*,† in which he spoke of the idea, suggested in a

* Calhoun said in the Senate in 1849 (C.G., 29th Cong., 2d Sess., p. 499) that he had learned confidentially that Monroe had been informed by Senators of the first respectability that "the Senate would not ratify a treaty with a boundary farther west" than the Sabine. See also Schouler's United States, ii., pp. 96, 97, to the same general effect, citing the Monroe MSS. View, i., p. 15, etc.

† Printed in the issues of August 1 and 8, 1829. The file of the *St. Louis Beacon* in the Library of Congress is incomplete, and I have not been able to see Nos. 2, 3, or 7 of "La Salle." Nos. 1, 4, 5, 6, 8, and 9 are in the *Beacon* respectively of October 7, 17, 21, and 24, and of November 4 and 11, 1829. Portions of No. 9 of "La Salle" are reproduced by Benton as a supplement to a speech in the Senate in C. G., 28th Cong., 1st Sess., pp. 656, 657. Benton says (ibid., appendix, p. 484) that "Americanus" consisted of two essays and "La Salle" of nine. The speech or letter in which Benton tells of his interview with Clay is reprinted in Niles's Register for June 5, 1847, vol. lxxii., pp. 222, 223.

Western newspaper, "of endeavoring to obtain from Mexico, by friendly negotiation and for ample equivalents, the retrocession of that part of the valley of the Mississippi which was ceded to the king of Spain by the Florida treaty of 1819." He expressed the opinion that that cession had been made from motives hostile to the independence of Mexico "through subserviency to Spain and to aid her in preserving her dominion over that superb country, by interposing a vast wilderness to shut out the lights of republicanism;" and in the second letter he added that the line agreed upon was an unnatural one and in every respect most disadvantageous.

These letters were evidently widely reproduced and some writers expressed dissent, so in October and November of the same year Benton published in the *Beacon* another series of nine articles, under the signature of "La Salle," in their defence. He wrote in these of "the southwestern part of Texas, between the bay of San Bernard and the Rio del Norte," as an arid desert, which "would be the actual limit of the United States in that direction, through the Rio del Norte might be the conventional boundary between the two republics."

And in another of the articles, in referring to the Louisiana purchase and its boundaries, he wrote that "these boundaries were well known then as now to extend to the Rio Grande del Norte and to include the entire province of Texas," while in still another place he spoke of "the debatable ground on the left bank of the Rio Grande [as being] the natural exchangeable material in the barter for Florida." At a still earlier date, too, as has been seen, he had written in the *St. Louis Enquirer* of being willing to waive, for the benefit of our future ally, the republic of Mexico, our strict right to the Rio Grande as a boundary.

These expressions are important, as Benton maintained after 1842 that Texas had no title whatsoever to

the region in general lying between the desert west of the Nueces River and the Rio Grande; he seems to have been of opinion that she did touch the latter near the coast, but did not follow its course. It was doubtless inevitable that Jackson and the advocates of annexation in general should not understand his views, but neither he nor any one else was quite clear in 1829 as to the proper line of division, and his articles show that he had at all times been entirely willing to yield up what he called "the debatable ground on the left bank of the Rio Grande."

It is also noteworthy that the main proposition made at this time by Jackson—which was almost certainly largely influenced by Benton—was very closely the same which, at the time of the Mexican war, Benton insisted was the true boundary: beginning at the Gulf of Mexico, it followed to the north the desert region west of the Nueces River, and then the mountains dividing the waters of the Rio Grande from those flowing eastward into the Gulf, until it reached our existing boundary at latitude 42°. Clay's main proposition, when Secretary of State under Adams, had followed the middle lines of the Rio Grande and of the Pecos (then the Puerco) Rivers to the source of the latter and thence due north to the Arkansas and along its southern bank to its source in latitude 42° and so to the Pacific Ocean. As is well known, both propositions failed entirely.*

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* Clay's proposition is to be found in C. D., vol. xiv., part 2, 1837, appendix, p. 125, etc.; and Jackson's at ibid., p. 127. Later in Jackson's presidency Forsyth tried to buy a vastly greater stretch of territory. His letter of August 6, 1835 (ibid., p. 131, etc.), to our chargé in Mexico told him that we especially desired to secure the port of San Francisco, and proposed a boundary to follow the eastern bank of the Rio Grande and then the parallel of 37° to the Pacific Ocean. Either Benton did not know of this proposal (which, like all the others, came to naught) or he did not choose to refer to it;

After this time our public men continued to watch affairs in Texas closely, but it was not until 1836, shortly after the battle of San Jacinto, that any steps were taken which need be noticed here. That overwhelming victory of the Texans under Houston led at once to steps in Congress looking to the recognition of Texas, and in the debates upon this subject views were expressed which are very important and which made a profound impression upon Benton. It must be remembered that at this time Arkansas was in the act of entering the Union with Michigan as her Northern counterweight, and Florida was the only region left which there was any likelihood would ask for admission as a slave State.

Here was a most serious problem for the Southern leaders, for, in view of the rapidly growing abolition sentiment of the North, they were naturally anxious at the prospect that their relative power was about to begin rapidly to dwindle. It is then hardly to be wondered at that Calhoun, in the debate on the recognition of Texas, went vastly further than the pending proposal called for, and advocated her admission into the Union. He said he had made up his mind on this subject, and added, "The Southern States, owning a slave population, were deeply interested in preventing that country from having the power to annoy them; and the navigating and manufacturing interests of the North and East were equally interested in making it a part of this Union. . . . He could not but hope that before the close of the present session of Congress, they would not only acknowledge the independence of Texas, but admit her into the Union." Several members expressed dissent from this view, and Benton not only did this, but wrote later that he saw in Calhoun's speech "much to be considered and remembered

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nor have I come across any mention of it by any one else in the Texas debates during the times of Tyler and Polk.

—the shadowings forth of coming events; the revelation of a new theatre for the slavery agitation; and a design to make the Texas question an element in the impending [presidential] election." *

Benton had by this time already begun to break away from the South, as has been shown in the preceding chapter, and when, a few years later, he again saw the Texas question taken up by Calhoun's friends, he became convinced that the underlying design was to secure the presidency for the South Carolinian; and as the matter went on and the South grew very restless and blustering over the delay in annexation, he thought he saw in it all a distinct alternative plan to break up the Union and form a Southern confederacy with Texas as one of its members. He tells at great length how in the winter of 1842–43, from the appearance of the well-known Gilmer letter in favor of annexation, he watched this plan and studied to find out what was really behind it, and soon convinced himself that it was primarily a move for the presidency on Calhoun's behalf.

The consequence was that, when warmly greeted by a fellow-member on the first day of the session of 1843–44 as a man who had always been so prominent an advocate of Texas, and told how imminent and necessary annexation was, he says that he took fire at the words and answered abruptly and hotly "that it was on the part of some an intrigue for the presidency and a plot to dissolve the Union—on the part of others a Texas scrip and land speculation; and that I was against it."

He continued to watch the steps taken by the advocates of annexation, and certainly showed no little aptitude in ferreting out the real basis of a series of movements which were by no means intended to be understood

* View, i., p. 667. Calhoun's speech advocating the admission of Texas is to be found in C. D., vol. xii., part 2, 1835–36, p. 153.

by him or any other outsider. The evidence of history shows to-day that Calhoun was at this time pushed by his friends for the presidency and was himself possessed by the idea that he was the coming man, that the movement for Texas was hoped to be the means of nominating and electing him, and that it was his friends who brought about in his interest the postponement of the Democratic convention; and, however vague may have been the plans of disunion, there can be no doubt they were in the minds of some Southern leaders as a quite possible contingency. Benton's conclusions, too, as to the way the plan was worked up and how letters were secured by roundabout means from various leaders and then passed around in secret among the initiated until the favorable moment should come to spring the plan upon the public, were by no means without foundation.*

That Benton's opposition to the whole matter was influenced by his dislike and distrust of Calhoun cannot be doubted; nor was this feeling lessened when Calhoun declined to be a candidate before the convention; for not only did the South Carolinian soon enter the Cabinet as Secretary of State, and thus occupy a position where he would largely manage the whole proceeding, but there was, moreover, a possibility that Tyler might be nominated, and upon him also Benton looked with great disfavor, considering that his whole political course had been doubtful, and that he had not only recently deserted the Democrats, but was now ready in turn, in the pursuit of his own interests, to desert the Whigs.

* View, ii., p. 581 et seq. Calhoun's Correspondence, passim; I have noted pages 497, 501–503, 509, 510, 512, 515, 516, 519, 525, 537, 538, Virgil Maxcy's letter of December 10, 1843, to Calhoun, p. 903; Thomas W. Gilmer's letter of December 13, 1843, to Calhoun, p. 904; Calhoun's letter of December 25, 1843, to Gilmer, p. 559. Diary of Charles J. Ingersoll, printed in his Life by William M. Meigs, p. 259, etc.

Benton was undoubtedly thus quite ready to enter upon a course of opposition; and when the actual plans became known from Tyler's treaty, and he saw an effort to grasp an enormous area from Mexico, he was bitterly opposed to thus exciting distrust among the Mexicans and almost certainly entering upon a war with them. The consequence was—as we have already seen was later the case in regard to Oregon—that he was soon entirely distanced by the newer Texas advocates and felt compelled to a course of action which looked on the surface like an abandonment of a policy he had favored during his whole mature life.

The treaty to annex Texas which Tyler had been for some time negotiating, and which was signed a very short time after Calhoun entered the Cabinet, was sent to the Senate on April 22, 1844, and Benton began at once a bitter opposition. On April 29 his reply to a letter from members of the Texan Congress was published in the *Daily Globe,* in which while he said he would be glad to see "the old Texas" fulfil her inevitable destiny of reunion with us, he at the same time expressed entire disapproval, under the existing circumstances, of annexing Texas with the limits she claimed for herself. And in secret session in the Senate he introduced resolutions to the effect that the adoption of the treaty would be an adoption of the war between Texas and Mexico, and that the treaty-making power did not extend to making war, and he then made a three days' speech reviewing the whole subject.

He showed that he had always advocated the recovery of what he called the real Texas, the territory geographically appurtenant to the United States, and said that he washed his hands of "all attempts to dismember the Mexican republic by seizing her dominions in New Mexico, Chihuahua, Coahuila, and Tamaulipas. The treaty, in all that relates to the boundary of the Rio

Grande, is an act of unparalleled outrage on Mexico. It is the seizure of two thousand miles of her territory without a word of explanation with her, and by virtue of a treaty with Texas to which she is no party." After elaborating the entire difference between the pending proposal and those made in the past, he went on upon " his responsibility as a senator . . . in attributing so grave a crime to this administration" to charge that the whole scheme was a selfish move to capture the presidency. Making motions for a number of calls for information from the President, intended to bring from the public records the truth of this charge, he inveighed in particular against a promise which he said Calhoun had extracted from Archer, the chairman of the Committee on Foreign Relations, that the treaty should not be reported back to the Senate from the committee for forty days.

The purpose of this scheme, he said, was to bring the treaty before the public—in the phrase of the day " to explode the Texas bomb"—well in time with the Democratic presidential convention, which was to meet in thirty-eight days, and it was only prevented by the refusal of the Senate to wait for the time agreed upon. It was by virtue of this refusal, he went on, that they had learned of the movements of our army and of the President's determination to act in all respects as if the treaty were actually in force, until it should be rejected. In conclusion, and of course in view of the well-known fact that there was the strongest sentiment in Missouri for annexation, he said he did not know whether the people in his State were in favor of getting Texas back on the terms which the pending treaty proposed, and then went on:

" If they were, and I knew it, I should resign my place; for I could neither violate their known wishes in voting against it, nor violate my own sense of constitutional and moral duty in voting for it. Twenty-four years I have sat in this chamber, and have had the gratification, all the time, and especially on many trying occa-

sions, when I voted on my own convictions, to give satisfaction to my constituents. If it should be otherwise now, it would be a source of deep regret to me; but, with my opinions of this treaty, it is impossible for me to support it; and if the alternative should be the extinction of my political life, I should have to embrace it."

Some of the calls for information which the Senate made on Benton's motion were probably in a high degree inconvenient to the Executive, and replies to them were so slow in coming in that on June 1 he was on the floor * complaining of this, when an answer came at last, showing clearly that the Cabinet had only reluctantly and at the last moment, under compulsion from the Texas authorities, agreed to their *sine qua non* that our army and navy should at once (*i.e.*, before ratification) be used for the protection of the Texans. As such a promise had been suspected, and as Benton had maintained that there would then be an end of the treaty,—for he insisted that no one could possibly admit that the President alone could involve the country in a war,—his point was largely gained, and he moved to take off the injunction of secrecy and then sat down, saying triumphantly, in the language of a Spanish proverb then in vogue, " The devil is now pulled from under the blanket."

It is no wonder that after this the treaty, instead of receiving the requisite two-thirds majority, was defeated by a vote of sixteen yeas to thirty-five nays. The injunction of secrecy was removed, and two days later Benton moved for leave to bring in a bill for annexation in his sense.† His bill proposed to authorize the President to enter into negotiations with Mexico and Texas for the annexation of the latter, with a boundary made up of the desert west of the Nueces and of the highlands dividing

* C. G., 28th Cong., 1st Sess., pp. 497–499. His speech quoted in the text is to be found in ibid., appendix, pp. 474–486.

† Ibid., 28th Cong., 1st Sess., pp. 652–657.

the waters of the Mississippi from those of the Rio Grande; and slavery was to be prohibited in the northern parts of the territory concerned, so as to divide the region about equally between slave-holding and non-slave-holding States.

This proposal and Benton's activity in defeating the treaty led in a few days to a sharp collision between him and McDuffie, which excited a great deal of public notice at the time and is still interesting as showing that, seventeen years before the Civil War, Benton saw very clearly in what direction the course of the Southern members was driving them. Benton had criticised Tyler severely for making what he called an appeal from the Senate to the House, meaning the sending of the rejected treaty to the House and in effect calling upon it to do by joint resolution what the Senate had declined to do by treaty, while McDuffie in reply defended Tyler and attacked Benton warmly. The latter arose at once, evidently under great excitement, and continuing McDuffie's last sentence, finished it in a way to show the essential difference of their positions. In the course of his speech he said:

"The Senator from South Carolina complains that I have been arrogant and overbearing in this debate, and dictatorial to those who were opposed to me. So far as this reproach is founded, I have to regret it, and to ask pardon of the Senate and of its members. I may be in some fault. I have, indeed, been laboring under deep feeling; and while much was kept down, something may have escaped. I marked the commencement of this Texas movement long before it was visible to the public eye; and always felt it to be dangerous, because it gave to the plotters the honest sympathies of the millions. I saw men who never cared a straw about Texas—one of whom gave it away [Calhoun, in Monroe's Cabinet]—another of whom voted against saving it [Tyler, on Clay's resolutions in 1820]—and all of whom were silent and indifferent while the true friends of the sacrificed country were laboring to get it back. I saw these men lay their plot in the winter of 1842–43, and told every person with whom I talked every step they were to take in it. All that has taken place,

I foretold; all that is intended, I foresee. The intrigue for the presidency was the first act in the drama; the dissolution of the Union the second. And I, who hate intrigue and love the Union, can only speak of intriguers and disunionists with warmth and indignation. The oldest advocate for the recovery of Texas, I must be allowed to speak in just terms of the criminal politicians who prostituted the question of its recovery to their own base purposes, and delayed its success by degrading and disgracing it. . . .

"The Senator from South Carolina compares the rejected treaty to the slain Cæsar, and gives it a ghost, which is to meet me at some future day, as the spectre met Brutus at Philippi. I accept the comparison, and thank the Senator for it. It is both classic and just; for as Cæsar was slain for the good of his country, so has been this treaty; and as the spectre appeared at Philippi on the side of the ambitious Antony and the hypocrite Octavius, and against the patriot Brutus, so would the ghost of this poor treaty, when it comes to meet me, appear on the side of the President and his secretary, and against the man who was struggling to save his country from their lawless designs. But here the comparison must stop; for I can promise the ghost and his backers that if the fight goes against me at this new Philippi with which I am threatened, and the enemies of the American Union triumph over me as the enemies of Roman liberty triumphed over Brutus and Cassius, I shall not fall upon my sword, as Brutus did, though Cassius be killed, and run it through my own body; but I shall save it, and save myself for another day, and for another use—for the day when the battle of the disunion of these States is to be fought—not with words, but with iron—and for the hearts of the traitors who appear in arms against their country." *

John Quincy Adams was in the Senate on this occasion, and writes † that he "found McDuffie closing a

* C. G., 28th Cong., 1st Sess., appendix, p. 610. The speech of McDuffie, to which this was in reply, is to be found at ibid., p. 588, etc., and Benton's earlier speech at ibid., p. 568, etc. The very short final reply of McDuffie to Benton is in C. G., 28th Cong., 1st Sess., p. 688.

† Diary, xii. p. 56. The newspaper articles referred to are to be found in Niles's Register, vol. lxvi., pp. 272, 295. Adams says nothing of having shaken hands with Benton, while one of the newspaper correspondents adds that, as Benton later left the hall, he

violent and rancorous speech against Thomas Hart Benton and his bill for the annexation of Texas. . . . McDuffie's speech was unsparing upon Benton, and his reply of about one hour was so merciless and personal that nothing but bodily fear could have withheld the hand of McDuffie from a challenge, but he put up with it, quiet as a lamb." At least two newspaper correspondents of the day refer to the incident as having been most dramatic and as threatening a breach of the peace, and add that at the close of Benton's speech Adams went up to him and shook his hand warmly. One says that McDuffie fairly writhed at the charges of disunion and nullification, adds that Benton began in "a low tone of voice, not always distinctly audible across the house, which he continued to the end, except in those occasional and emphatic bursts, which are so peculiar to himself," and then speaks of his turning fiercely on McDuffie at one time and of "the way he thumped upon the desk, and gesticulated, and flourished in the face of Mr. McDuffie, who sat immediately under and looking at him."

In the early part of the next session Benton once more introduced his bill to authorize negotiations with Mexico and Texas, and also introduced other resolutions of inquiry; but late in the session (February 5), when the inauguration of Polk was to occur within a month, he proposed a new and much modified bill, providing for negotiations, but not specifying in words that any such should be held with Mexico. Doubtless this measure was somewhat inspired by a desire to head off, as far as he could, the rising opposition to himself in Missouri, and it was in close accord with the resolutions of the General Assembly of Missouri which he had presented to the Sen-

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turned around to shake hands with Adams, who was sitting behind him, and said, "Mr. Adams, you are passing off the stage, and I am passing away also, but while we live, we will stand by the Union."

ate on January 20. He was able to approve these resolutions, and so was Atchison (his fellow-Senator and a leader among his opponents), but I cannot think they were drawn as either would have wanted.

It is plain that in all his opposition to the Texas schemes, up to nearly the end of Tyler's administration, Benton was determined that the settlement of the matter should be postponed until after March 4, 1845. Indeed, this was probably one of his chief motives throughout the whole proceeding, and he thought his purpose attained when he introduced his much modified bill on February 5. He even explained that it was apparent now that the matter must devolve upon the new President, and then went on to express his confidence in Polk; and, when another member offered Benton's original bill as a substitute for the House joint resolution then pending, Benton said from his seat that he would vote against it, and in reply to a hope expressed that he would not kill his own child, answered, "I'll kill it stone dead." *

It was late in the session when the joint resolution from the House admitting Texas into the Union at once became the chief measure upon the subject before the Senate, and Benton and a few others were well known to have the power to delay or defeat it. Finally, in pursuance of some arrangement, Walker moved an amendment in effect adding, as an alternative course of action for the President, Benton's later bill for admission after negotiations, and Benton and his friends then voted for the joint resolution, which passed both Houses.

Benton insists that it was well understood that Polk had agreed in advance to adopt the plan of negotiation in preference to that of immediate annexation, and that

* Benton's more important actions at this session in regard to Texas are to be found in C. G., 28th Cong., 2d Sess., pp. 19, 39, 43, 154, 244, 362.

friends of Calhoun and Tyler had strongly intimated that the then administration would leave the matter over for Polk's action; so that, according to him, he and his friends were "cheated out of their votes . . . by a fraud;" * while Calhoun said later that Benton's plan had been added as an amendment, not with any idea of acting on it, but because Benton and a few others had the power to embarrass the passage of the resolutions, and therefore it was necessary merely so as to gratify him and them. It will be remembered that, late on the night of March 2, Tyler and Calhoun dispatched a messenger with the resolution for immediate annexation as the selected course of action.

Benton's course upon the Texas question had been too much opposed to the popular wish in Missouri not to meet with condemnation, and it is evident that a veritable hue and cry was raised against him before he came up for re-election to the Senate in the autumn of 1844. He charged later † in debate that this opposition had been instigated by friends of Calhoun and Tyler, and quoted a confidential circular letter which he evidently thought came from them, in which editors were advised to "confine yourself to attacks upon Benton, showing that he has

* View, ii., p. 634, etc. Benton's proof of this whole matter is, however, decidedly weak. The letters of Tappan and Blair, which he relies upon to a considerable extent, were not published until the summer of 1848 (more than three years after the event), and Polk complains that their belated publication was an after-thought and really intended to help Van Buren in the presidential contest then pending. Polk and Buchanan, moreover, agreed that the facts were not at all as Tappan and Blair alleged and that no pledge whatsoever had been given. (Polk's Diary for July 31 and August 3, 1848.) The letters of Tappan and Blair seem to have been printed in the New York Evening Post of July 28, 1848, and see ibid. of August 2. For Calhoun's speech upon the subject, see C. G., 29th Cong., 2d Sess., p. 499.

† C. G., 29th Cong., 2d Sess., pp. 497, 562, 563.

allied himself with the Whigs on the Texas question. Quote Jackson's letter on Texas, where he denounces all those as traitors to the country who oppose the treaty. Apply it to Benton."

In consequence of these instructions, Benton went on, "three hundred newspapers in the pay of the Department of State, many of them not visibly so," took up the cry against him and harped on it, especially in Missouri. It was said of him by them that he was a "Traitor—Whig—Clay man—Mexican—British—deserter—enemy to the country—that he had lost his senses since he was blown up in the explosion on the Princeton, etc., etc." But, while the "rottens," as he called his opponents, thus abused him, "he said nothing. Proud, erect, silent, scornful, he let the dogs bark on, trusting to the people of Missouri to bear him harmless through the attack, and to a just Providence to bring a day of retribution to the true assailants. He had not been deceived in either dependence. The people of Missouri saved him in 1844; Providence had given him a day of retribution now in 1847."

To explain the last reference, it is necessary to say that in 1844, in his speech against the treaty, Benton intimated that Jackson had been misled into writing his letter in favor of immediate annexation, while Jackson had written at about the same time that "Benton's position is inexplicable," and is said later to have sent a message of strong disapproval to him, and to have shared the view that Benton was deranged by the explosion of the gun on the Princeton.* In reply to all this froth, and

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*Letter of Jackson to William B. Lewis, dated June 28, 1844, quoted in Bulletin of New York Public Library, vol. iv. (No. 9, September, 1900), p. 308. Letter of F. W. Pickens to Calhoun, dated September 9, 1844, printed in Calhoun's Correspondence, p. 969. The letter reads by the explosion of the "game," but this is certainly an error. See also C. G., 29th Cong., 2d Sess., pp. 497, 562, 563.

after its bubbles had burst with the lapse of time, Benton sent a kindly message to Jackson by Major Lewis in 1846, and received a very kind and admiring remembrance in reply, part of which he read in the Senate on the present occasion.

It is evident that this fierce attack on Benton had its effect in Missouri as well as far and wide throughout the country. In South Carolina one of the sentiments given at a public dinner was "Thomas H. Benton—he has recently basely deserted the honor and the interests of his country, and from bad motives; that country will never forgive it or forget it." And in Missouri his enemies probably hoped to beat him,—Buchanan feared that they might succeed,*—and in the election, there being two vacancies to be filled (Benton's own and that caused by the death of Linn) Benton received only seventy-four votes, while Atchison had one hundred and one. I cannot but suspect, too, that the Missouri resolutions, which, it has been shown, he presented at this session of Congress, were in reality the outgrowth of opposition to him, and that his friends at home had succeeded with difficulty in bringing them to a shape in which he could support them.

Doubtless it was in no small degree the feeling of growing isolation that led him to enter into relations with John Quincy Adams. At the time that the latter made his statement in the House as to the negotiations for the treaty of 1819, Benton had sent a message to him through a friend, and later—as has been shown—openly took back all his charges in that matter. Probably Adams next complimented him upon his speech against McDuffie, and on January 3, 1845, Benton visited Adams—the first time "in a period of twenty-five years of a common residence

* Curtis's Buchanan, i., p. 512. The sentiment against Benton is taken from Niles's Register, vol. lxvi. (July 6, 1844), p. 290.

of him and me in this city"—and the latter soon returned the visit.*

Here, so far as I know, their relations in life ended; for, though both might admire points in the character of the other, they were too different to be friends. Benton was constantly, in hot blood, denouncing his enemies in the most violent language, as nearly all men do; but this is usually mere froth and dies in the utterance, and he could have little in common with a man who went home and there alone and in cold blood daily poured out on paper the most gross abuse of nearly all his contemporaries. What more absurd than for this diarist to write of Benton as a man whose character "is more of the Cethegus class than any other man I know in this country," and, again, as "a liar of magnitude beyond the reach of Ferdinand Mendez Pinto!" † and all this distillate of gall chiefly due to the fact that Benton assumed that the Secretary of State and actual negotiator of the Florida treaty was the person in the main responsible for its terms.

If the reader will stop and consider Benton's position and actions at about this time, he cannot fail to accord to him a degree of courage rarely seen. Finding himself out of accord with his party and with the well-nigh universal sentiment in his State upon a subject he thought of

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* Diary, xiii., p. 140. C. G., 28th Cong., 1st Sess., appendix, p. 483.

† Diary, vii., p. 173, and viii., p. 186. Hosts of just such intemperate criticisms of his contemporaries could be cited from Adams's Diary; lawyers will, *e.g.*, be surprised to hear Pennsylvania's great Chief-Justice Gibson spoken of with dread as "precisely the most unfit man for the office [a seat on the bench of the Supreme Court of the United States] in the Union." Ibid., viii., p. 174. See also Adams's belief that he was pursued at Harvard College and throughout life by "the devices of rivals to ruin him," of whom he names thirteen. Ibid., ix., p. 263.

great importance, he did not hesitate for a moment, on the very eve of coming up for re-election, to enter upon an open and most active opposition to the Texas policy, and soon bore on his shoulders all the burden of a furious attack against him. Never a man of great popularity, he was reviled as a traitor and renegade from one end of the country to the other, and especially in the South, which he then still looked upon as his home. In the South his name became a favorite one to couple with toasts and sentiments charging him with many of the worst sins man can be guilty of; and I do not think there can be any doubt that the opposition in Missouri to his re-election was strong enough very seriously to endanger for a time his political future. I have studied his course upon the Texas question in vain, if it can be said of him that all this caused him to hesitate during the hottest part of the contest.

At the time of his re-election by the Legislature (November, 1844) he was about at the high-water mark of his opposition, and it was only several months afterwards, when those he had no confidence in were about to retire from the control of affairs, that he was beyond doubt "easy" in accepting evidence that the alternative plan of annexation would be left to the action of the incoming administration. Nor does the matter end here, for hardly was Polk in office before Benton was arrayed in opposition to the other leading Democratic measure of securing "all of Oregon." This again was most specially popular in Missouri, and yet his opposition to it was most outspoken and he was undoubtedly the one man who in the main defeated it.

CHAPTER XIX

THE FINAL ADMISSION OF TEXAS—BENTON OPPOSED TO WAR WITH MEXICO—HIS PLAN FOR CONDUCTING THE WAR—THE LIEUTENANT-GENERAL BILL—APPOINTED MAJOR-GENERAL, BUT RESIGNS — SANTA ANNA'S AGENT, ATOCHA — THE WILMOT PROVISO — BITTER CONTESTS OVER SLAVERY IN THE TERRITORIES—THE CLAYTON COMPROMISE—THE OREGON BILL FINALLY PASSED — BENTON'S CLASHES WITH CALHOUN — EFFORT TO NULLIFY THE MEXICAN TREATY BY THE PROTOCOL

Though Benton had evidently but a poor opinion of Polk and his Cabinet, regarding them as very indirect and addicted to silly intrigues sure of failure, yet the first two years at least of the administration we are now entering upon were again ones in which he had no little influence with the Executive, and he was constantly consulted by them—but often told only one-half of the actual state of affairs, while mysterious terms veiled the balance. It has been already shown how great an aid he was in the Oregon negotiations, and we shall now find that during the progress of the Mexican war he was also consulted and his advice at times taken, though their views upon this subject were so different that they gradually drifted apart.

Early in the session of 1845–46, after Texas had accepted the terms offered her in such haste by Tyler and Calhoun, and after Polk had recommended her admission, Benton gave a silent vote in favor of the joint resolution for that purpose. He must of course have had misgivings as to the outcome and as to what regions would turn out to be "properly included within, and

rightfully belonging to, the republic of Texas," but it is hard to see how he could well have done otherwise, after the steps which had been taken under the sanction of law by the American and Texan administrations.

A few months later Polk's Diary shows that the Cabinet had decided once more to begin negotiations with Mexico and to endeavor "to procure the cession of New Mexico and California and if possible all north of latitude 32° from the Passo on the del Norte and west to the Pacific or [if that were impossible] then the next best boundary which might be practicable, so as at all events to include all the country east of the del Norte, and the Bay of San Francisco." And as it was considered absolutely necessary to have some money to pay down for such a treaty, Polk sent for Benton to consult as to the possibility of securing an appropriation in advance. This was on March 28, 1846, and Polk goes on: "I explained to him fully my views and object. He at once concurred with me in the importance of obtaining if practicable such a boundary as I proposed and in the propriety of such an appropriation by Congress to enable me to do it."

It may be doubted whether Benton had any expectation that this plan would succeed, and as a matter of fact it came to nothing, and on May 3 he was again consulted about the thickening Mexican difficulties. Polk writes that at this interview Benton "expressed a decided aversion to a war with Mexico, if it could be avoided consistently with the honor of the country;" and when on May 11 he was once more sent for and shown a copy of the message announcing the existence of the war, which was sent to Congress later that day, Polk writes:

"I found he did not approve it in all its parts. He was willing to vote men and money for defence of our territory, but was not prepared to make aggressive war on Mexico. He disapproved the marching of the army from Corpus Christi to the left bank of the del Norte, but said he had never said so in public. I had a full con-

versation with him and he left without satisfying me that I could rely upon his support of the measures recommended by the message, further than the mere defence of our territory. I inferred, too, from his conversation that he did not think the territory of the United States extended west of the Nueces River."

At a later interview that same evening, when the House had voted the measures recommended and Polk was urging that the Senate should do the same, Benton objected that the House had acted in the space of two hours, of which one and a half went to the mere reading of documents, and added that "in his opinion in the nineteenth century war should not be declared without full discussion and much more consideration."

The next day Benton voted for the war, as did all but two of the members present, but there can be no doubt from what precedes that he was altogether opposed to it. He had in the past dilated on "the cordon of republics" stretching across the continent, which it should be our interest to aid and to win the trust of, but war actually existed and had to be recognized. But he was never fully reconciled to it and seems to have hoped even then that peace might yet be secured: and at the next session he attacked Calhoun fiercely as being its real author by his decision in the last hours of Tyler's administration to reject the plan of negotiations and adopt instead immediate annexation, in spite of Mexico's angry protest that she would consider such an act as one of war. He spoke of this speech later as his first "Calhouniac," a species of which it will be found there were plenty of specimens in the following years.*

Benton writes that at the time war was declared, he and other Democrats were very much opposed and had interviews with members of the administration to try and

* C. G., 29th Cong., 1st Sess., p. 198. Ibid., 2d Sess., pp. 494–501, for his attack on Calhoun. View, ii., pp. 680–682.

stop it, but found them united in their course and also "under the confident belief that there would be no war—not another gun fired—and that in ninety or one hundred days peace would be signed and all the objects gained." How this was to be accomplished was then left a mystery to him, but he became convinced later that on the very day when war was declared, the Cabinet began the execution of the arrangement for returning Santa Anna and that this intrigue was what they depended upon.

The war being an existing fact, Benton was of course anxious for its early completion and for our success, and was beyond doubt of great service in leading to these ends. During the summer of 1846 he was often consulted, and on July 2 promised to submit his views in writing upon the manner of conducting the war, in pursuance of a request which Polk writes of having recently made of him. Benton probably then soon went West, and upon his return in November learned that the administration was in very serious mood over a possible increase of expenses in the War Department of twenty millions, and was not at all decided whether our best policy might not be to cease the active prosecution of the war and merely to hold the captured provinces.

Being again consulted by Polk on November 7, he at once advised that Vera Cruz should be taken and a crushing movement then be made on the City of Mexico; he was far too much of a fighter by nature not to see the folly for us of the policy of "masterly inactivity," and he condemned from the first all idea of waiting, telling Polk we were "a go-ahead people." To this the "View" says he added that such a policy was exactly suited to the temper of the Spaniard, who "had sat-out the Moors seven hundred years in the south of Spain and the Visigoths three hundred in the north of it; and would certainly outsit us in Mexico." He had other interviews with Polk and with some members of the Cabinet, at which the same

views were urged, and writes that he soon succeeded in convincing Polk but had more trouble with the others.

The influence exerted by his opinions will be recognized from the fact that as late as November 10, 1846, Polk's Diary shows that the Cabinet had only decided upon attacking Tampico and possibly Vera Cruz, "but a movement on the City of Mexico had not been at present contemplated, nor unless it was ascertained that peace could not be obtained without it." Benton adds—what does not appear in Polk's Diary—that he attended a Cabinet meeting by invitation and urged his views; and that the arguments advanced induced Polk to change his annual message and recommend an aggressive campaign, but that this was done so late that the report of the Secretary of War recommended a policy almost exactly opposed to that of his chief. I am unable to see this opposition of view in the two reports, but it is at least clear from Polk's Diary that Benton's advice led to changes in some portions of the message which he was shown in advance, and his advice on the military situation was beyond question of very great importance.

On November 16 Polk records that Benton handed him "a written plan for the prosecution of the war against Mexico," and there can be little doubt that this plan became in good part the one acted upon during the remainder of the war with such eminent success. It contemplated (so Benton writes) the throwing of three invading columns upon Mexico, all to meet on the high tableland and then to move upon the capital. The movement of Scott was one part of it, and Benton intended that Taylor should have led a second invading column. Doniphan's remarkable march to New Mexico and Monterey represents in a small way the third column, which Benton meant to advance from the north and west.

One other important device was that a peace commission made up of leading public men was to go with the

army, they and the commander-in-chief to have considerable discretion under the directions of the President as to making peace. Benton writes that he had been familiar for many years, from Humboldt and other sources, with the natural defences of Mexico and knew well the divisions of her population, so that he was in some respects at least well equipped for the problem he had had to work out.

There was for a long time hesitation in the Cabinet as to who to put in command of the expedition against Vera Cruz, and it is well known that politics entered largely into this question. Polk had no desire to aid the Whigs by advancing to prominence successful generals belonging to that party, while at the same time both he and Benton thought Taylor unfit and Scott hardly less so. It was, however, at length decided after much discussion to select Scott,* Benton advising this and agreeing with others that they "would have to use the instrument which the law has given." At an interview on November 10 Polk writes that Benton referred to the efforts of the Whigs to make capital out of the war and said he had come to aid Polk, despite the fact that he had been in favor of the nomination of Van Buren; but that he believed in letting by-gones be by-gones, as he had shown in the case of his quarrel and later friendship with Jackson.

According to Polk, during this interview, while consulting as to the best officer to select for the Vera Cruz expedition, Benton "said there ought to be a lieutenant-general of the army, who should be general-in-chief. . . . He then said that, if such an office was created by Congress, he would be willing to accept the command himself." This device was warmly taken up by Polk and he

* Polk informed Scott on November 19 of this determination, and writes "he was so grateful and so much affected that he almost shed tears."

long sought for some means by which to put Benton in supreme command, although at one time apparently anxious to abandon it because of fear that the bill would fail to pass Congress. This was after Benton and he had had repeated differences as to the selection of Slidell * as one of the intended peace commissioners, Polk writing after several discussions of the matter that he found Benton "still stubbornly opposed" on personal grounds to Slidell's selection. But Benton wanted to have the effort made to create the office of lieutenant-general and to put the responsibility on Congress, and Polk writes, "I found Colonel Benton fixed on this point. If I do not propose it, it is manifest from this interview with him that both he and his friends will be greatly displeased."

Benton does not seem at any time to have intended personally to take the direction of campaigns and battles but to confine his function to "the responsibility of plans and movements, while the generals, at the heads of divisions or columns, would only have the responsibility of execution," and in his speech in explanation of the matter in the Senate he compared the command he should have exercised as lieutenant-general to that ordinarily exercised by the President.

The making of peace was also a chief part of his plan, as to which he wanted to have a wide discretion under the authority of the Executive. He had been in close touch with the army and military affairs nearly steadily since 1828 as chairman of the committee on military affairs, and was all his life through a student of military matters. It was, however, many years since he had served in the field and then he had only commanded a regiment, so that the intention to appoint him has been

* Polk's Diary of December 9, 1846, indicates that Wright of New York, Crittenden of Kentucky, and Benton, were pretty much agreed upon, but Polk felt bound also to Slidell.

much criticised; but it may be safely said that—whatever is the case to-day with the infinite complication and vastness of military affairs—men less acquainted by actual contact with the command of armies have made marked successes, and the idea of selecting him for military command had the endorsement of one whose judgment it is impossible to make light of. Jackson had twice intended to appoint Benton to the command of the army, both when affairs looked very warlike with France and again in the event of war with Mexico.

On December 29, 1846, in a special message, Polk recommended the creation of the office of lieutenant-general, and it was evidently understood from the start that Benton was to be named. Benton says that he asked the President to make known that such was his intention, and adds, "I forbade my friends to say a word on my account. I would not say a word for myself. I would not even obviate a prominent objection by reminding any one that in 1812 I was the military superior of every general now in the service."

While the matter was under debate, he appears to have left the Senate chamber, and he absented himself from the meetings of the Committee on Military Affairs, thereby producing for a time a deadlock. He says that the measure "readily passed the House, but was undermined and defeated in the Senate by three of the President's Cabinet Ministers, Messrs. Marcy, Walker, and Buchanan—done covertly, of course, for reasons unconnected with the public service." It was rumored at the time that the matter was one of warm dispute in the Cabinet, but this fact does not appear in Polk's Diary, nor does it contain any evidence that Buchanan, Walker, or Marcy was against the bill.

On a subsequent occasion Benton expressed great disgust at some conduct of Scott and Taylor, and told Polk he was now (January 20, 1847) willing to go as "a ma-

jor-general or a lieutenant-colonel or in any other rank, provided I can have the command of the army; and if I can have such command I will close the war before July." And at the end of the session he was nominated as one of the new major-generals and at once confirmed. According to Polk, this nomination was made in pursuance of Benton's request, and Polk writes that he was surprised in a few days to hear Benton say that he had "no desire to go to Mexico simply to have a plume and bunch of feathers in his hat," thus evidently adhering to his determination to have the supreme command or nothing.

The President and the Cabinet were, however, clear that they had no authority to appoint Benton, a junior major-general, to the command of his seniors, and they did not see how they could well "withdraw or order to separate posts all the senior major-generals now in Mexico," so as to make room for him. As soon as Benton was informed of their conclusion, he resigned, but almost immediately afterwards Polk learned that one of the senior major-generals (Butler) had arrived in New Orleans, probably invalided by wounds, and he at once hoped that he saw then a way to put Benton at the head of affairs. He had already made up his mind that he should have no trouble about removing Scott and Taylor, and there would thus have been only one senior (Patterson) to be got rid of, and some way might be found to relegate him also to Canada or some other region away from the seat of actual war.

Polk accordingly sent to Benton on March 10 to ask him to postpone his final decision for a few days, but Benton at once declined to do so. The latter was by this time indignant at the discovery of Buchanan's Oregon articles against him as well as at suspected underhand opposition to the lieutenant-general bill, and thought that some other newspaper publications to his detriment could be clearly traced to the departments, and Polk closes by

saying that Benton's " decision was positive that he would not accept the office of major-general and that he would not postpone a decision of that question to await further developments, as I had requested him to do."

Benton at once printed (so Polk writes) the correspondence upon this subject between the President and himself and sent a copy to each Senator, with the intention apparently of clearing himself from some newspaper charges which he thought detrimental. Probably it may be assumed that Polk had explained to him in what way it was intended to advance him to the supreme command, and it is certainly fortunate that he had no share in aiding to carry out that very worst feature of the whole design. Whatever may be said, under the then existing circumstances, of creating a new office so as to appoint a commander-in-chief, there could be no possible defence for baldly relieving of their commands and sending to the rear Taylor and Scott, who, despite their grievous faults, had rendered distinguished services both recently and in the past.

One other matter is to be learned from Polk's Diary, which should be mentioned here. It is well known that the administration was engaged in numerous unavailing intrigues for peace, but one particular effort does not seem to be generally known in its details. In the winter of 1846–47 one Atocha appeared in Washington, claiming to be the representative of the Mexican authorities. Polk had interviews with him, but did not trust him; but later Benton and Buchanan became entirely convinced that " he was the confidential agent of Santa Anna sent to Washington to open the door for negotiations and the conclusion of a peace."

After several conferences with him, Benton told Polk that the Mexicans would agree to " the Rio Grande as the boundary, reserving a space of territory between that river and the Nueces as a barrier between the two coun-

tries, and that they would be willing to cede California to the United States for a "consideration. . . . Benton was in favor of agreeing to appoint commissioners to meet at Havana, if Mexico should do so, and thought such an intimation should be given in some way to the Mexican government." The consequence was that about the middle of January Atocha was sent on the United States revenue boat "The Bible" to Vera Cruz with a letter to the Mexican authorities suggesting the opening of negotiations; but, whether or not the Mexican rulers were simply playing with us, the result was nothing. Atocha arrived in Washington again about March 20 with the answer that the Mexican government refused to open negotiations unless our squadron was withdrawn from their coasts and our armies from their territory. This seems to have finally decided Polk, still against Buchanan's wishes, in favor of Benton's idea of a crushing movement on the City of Mexico.*

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* See generally on the matters *ante,* Polk's Diary, passim, at the dates indicated. Letter of Benton, dated January 14, 1847, to Buchanan, in the collections of the Historical Society of Pennsylvania. Benton's letter spells the name of the Mexican emissary Atocha, while it is Atacha in the type-written copy of Polk's Diary in the New York Public Library; but a note by Bancroft warns the reader that many errors of spelling had been made by the copyist. View, ii., pp. 678, 679, 687, 693, 694. General F. P. Blair, Jr.'s, address. C. G., 29th Cong., 2d Sess., pp. 246, 247. I cannot make out the proceedings in Congress exactly as Benton details them: the bill for a lieutenant-general seems to have failed in both houses, though at one time the House voted to insert it in a bill for the increase of the army (ibid., p. 160), but this was soon undone again (ibid.); in the Senate it was early laid on the table (ibid., p. 187, and see pp. 175, etc.). Subsequently, on a bill for additional general officers, the House inserted a provision to authorize the appointment of any major-general, without regard to date of commission, to the supreme command during the war (ibid., pp. 518, 574), but the Senate did not concur, and then adjourned without further action (ibid., p. 572). Niles's Register, vol. lxxii., p. 18.

Meanwhile events had been taking place which soon emphasized and increased Benton's growing political isolation. In August, 1846, Polk asked for an appropriation of two million dollars to enable him to negotiate a treaty with Mexico, the purpose to purchase territory being of course plain enough; and it became evident then in a few days that the Mexican War, instead of silently equalizing once more the relative strength of the South in the Union, was destined to precipitate such a struggle over slavery as had not yet been witnessed.

The South had brought on the war for the express purpose of securing their future. They meant to settle the new region with Southern people, who should carry slaves there and in due time ask for admission into the Union as slave States. They had long feared, and with good reason, for the ultimate result of the growing abolition sentiment upon the institution of slavery; and as they saw a vast territory to the northwest which was sure to become free States, no one can rationally expect to find them quietly consenting to measures aimed to prevent their control of the regions wrested from Mexico. No matter how mistaken their whole social system may have been, it was not in the nature of those masterful men tamely to run the risk of its final destruction by an overwhelming preponderance of the North in the Union.

When therefore the Wilmot* proviso—forbidding slavery in any of the region to be ceded by Mexico—was

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* It is worthy of note that in December, 1846, in a conversation with Polk, Wilmot agreed not himself to offer his proviso again, though he said he must vote for it, if offered by some one else. See also on this point the facts referred to in footnote 3 to pp. 82, 83, vol. i., of William Henry Smith's Political History of Slavery. Polk wrote on January 5, 1847, of the question of slavery in the new Territories: "It is moreover practically an abstract question. There is no probability that any territory will ever be acquired from Mexico in which slavery could ever exist."

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offered as an amendment to the two million appropriation asked by Polk, the Southern leaders were soon very anxious. The proviso failed of adoption both at that session and at the next, but its popularity at the North and in Congress showed very plainly that the new possessions were to be a Pandora's box, and for several years the public business was grievously delayed, while the Senate and House were engaged in interminable discussions upon slavery under every view.

Benton was too much of a Southerner and looked too strongly upon a fraternal Union as our supreme good to do anything but vote against the Wilmot proviso, but it will soon be seen that he found also many occasions to attack the Southern leaders, and he undoubtedly began at this time rapidly to drift away from them and towards the position of some of the most conservative Northern men. The unnecessary agitation of the subject for partisan purposes by either side was highly obnoxious to him. Thus, the third Oregon bill in 1848 contained already a provision which excluded slavery by making of force the laws of the territory, one of which forbade it; but Hale moved another proviso to extend to the region the anti-slavery clause of the ordinance of 1787.

The South was at once in arms, and Benton, while expressing himself as ready to meet the slave question to the fullest extent at the proper time, called on members to vote down this amendment immediately, give a government to the people in Oregon, and stop the cruel Indian war. "We read in Holy Writ," he said, evidently in deep grief at the course of affairs, "that a certain people were cursed by the plague of frogs, and that the plague was everywhere. You could not look upon the table but there were frogs, you could not sit down at the banquet but there were frogs, you could not go to the bridal couch and lift the sheets but there were frogs! We can see nothing, touch nothing, have no measures pro-

posed, without having this pestilence thrust before us. Here it is, this black question, forever on the table, on the nuptial couch, everywhere. So it was not in the better days of the republic." *

And he showed quite as clearly his opposition to efforts on the part of the South to keep the question forever under agitation and to insist upon mere abstract discussion. "What then is all the present uproar about?" he said in his Jefferson City speech in 1849. "Abstraction! The abstract right of doing what cannot be done! . . . All abstraction! And no reality, substance, or practice in it!" And it was upon this same ground that he had a clash with Calhoun in 1847. Calhoun brought in at that session his resolutions as to the nature of the United States's ownership of the territories, and maintained that Congress had no right to pass any law that would prevent the Southerners from migrating there with their slaves.

As there was much important legislation to be passed yet, Benton at once objected strongly to laying aside "the necessary business of the session to vote on such a string of abstractions," saying that he "never would leave public business to take up fire-brands to set the world on fire." And when Calhoun replied that all the great rules of life were abstractions and that he had counted on finding the Senator from Missouri, the representative of a slaveholding State, ready to support the principles of the resolutions, Benton replied: "I shall be found in the right place. I am on the side of my country and the Union." In the "Thirty Years' View," he adds: "This answer, given on that day and on the spot, is one of the incidents of his life which Mr. Benton will wish posterity to remember." †

Upon the failure of the second Oregon bill in 1847,

* C. G., 30th Cong., 1st Sess., appendix, p. 686.

† C. G., 29th Cong., 2d Sess., p. 455. View, ii., p. 697. For his Oregon letter, see Niles's Register, vol. lxxv., p. 148.

Benton soon came out in a public letter calling upon the people there to stand to their law prohibiting slavery, assuring them that the next Congress would pass a law to organize the territory and maintaining that the recent failure was due to Calhoun's having forced the insertion of an amendment to abrogate their exclusion of slavery. Here again it is very clear that he regarded slavery as impossible in Oregon and as rightfully forbidden by the inhabitants, and that he looked upon Calhoun's course as mere agitation of an abstract question. Polk, to whom Benton showed this letter, had tried hard but in vain to induce him not to publish it.

It was at the following session that the treaty with Mexico was ratified and the country stood face to face with the terrible struggle over the organization of those regions; but the session resulted in nothing upon the whole subject but a bill for Oregon. For weeks Congress floundered in a very slough of despond. It was at this time that much began to be heard of the doctrine that the constitution *proprio vigore* legalized slavery in all the territories,—what Benton calls the migratory function of the Constitution and insists cannot be classed higher by history than as "a vagary of a diseased imagination." At one time, too, the Senate tried to shunt off on to the shoulders of the courts the decision of the right to hold slaves in the Territories. This was towards the end of a long session and was contained in the Clayton Compromise Bill, which was to organize all the new Territories at once and of which Clayton said,* "We offer no bill to introduce slavery by congressional enactment into any free Territory." Here was undoubtedly one main bait for this bill, the object being to enable Northern members to vote for the measure and then by this plea explain their action to objecting constituents at home.

* C. G., 30th Cong., 1st Sess., pp. 950, 1002–1005.

The origin of this bill in the committee is interesting. Polk had been in favor of extending the Missouri Compromise line to the Pacific, but on July 16, 1848, Calhoun called and told him that Clayton's committee was unable to agree upon this. "He stated," Polk goes on, "that a proposition of non-interference with the subject (of slavery) in California and New Mexico had been suggested by Senator Dickinson * of New York, which might be agreed upon by the committee."

The plan was to let Oregon's laws against slavery stand, while in California and New Mexico the legislative power should "be restrained by Congress from legislating on the subject of slavery, leaving the question, if it should arise, to be decided by the judiciary. He said he would support this proposition and I told him I approved it." The legislative power was to be vested in the governor, secretary, and three judges, and Calhoun said that

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* This proposition of Dickinson's was extremely different from his resolutions offered in the Senate on December 14, 1847, which contained a very distinct suggestion of "popular sovereignty." Calhoun had at once scouted the resolutions and looked upon them as worse than the Wilmot proviso (Foote's War of the Rebellion, pp. 71–76; View, ii., p. 715; C. G., 30th Cong., 1st Sess., appendix, p. 871). Cass is usually regarded as the author of the doctrine of popular sovereignty, and he did suggest it very clearly in his Nicholson letter (dated December 24, 1847, and published in Niles's Register for January 8, 1848, vol. lxxiii., pp. 293, 294), but Dickinson's resolutions were earlier, and Foote says that they had been shown by Dickinson to Cass. The truth is that the doctrine, absurd though it was, was a not unnatural development from the admitted right of a Territory, about to be admitted into the Union, to decide the subject for itself and from other American principles of government; hints of it can be found in more than one earlier instance: see, for example, the amendment offered by Clay to Calhoun's slavery resolutions in 1838 (quoted in View, ii., p. 137), and again the Missouri resolutions as to the annexation of Texas offered by Benton in the Senate in 1845 (C. G., 28th Cong., 2d Sess., p. 154). See in general Burgess's Middle Period, pp. 384–386.

much would depend on Polk's appointments to these places; that they ought to be Southern men "who would maintain the Southern views on the subject of slavery." Polk thought Calhoun's tone indicated a desire to elicit a pledge, and writes: "I at once felt the delicacy of my situation and promptly replied that that was a subject upon which I could not speak, . . . and jocosely added that my friends, as General Harrison's Cincinnati committee in 1844 [meaning 1840?] said for him, must have a 'generous confidence' that I would do so."

Up to this time, the design was to leave the question to the judiciary of the territory, without any right of appeal, but the next day Calhoun reported that "they had agreed on the plan suggested on yesterday, but the Northern members of the committee insisted upon inserting a provision in the bill allowing an appeal from the decision of the lower court to be established in California and New Mexico on the slavery question to the Supreme Court of the United States," and he objected to this. It was then arranged that Polk should see Bright and try to get him to yield the question of an appeal, but a few days later the committee made its report, Calhoun having, as Polk records, given up his objection.

Except in so far as this bill was possibly a rather cunning device of the Southern leaders silently to gain their point, it was merely one of those makeshifts at which patriotic men will often grasp in the hope of escape from difficulties which seem insuperable and they merely want to get rid of. Benton voted for it, doubtless willing and anxious to push aside in almost any way the irritating question which was so terribly undermining the Union: and to this reason he tells us * was added the desire "'to

* Examination of Dred Scott Case, pp. 117, 118. The bill we are considering was the one which for the first time purported also "to extend the Constitution of the United States" to the Territory, the

estop Mr. Calhoun' with a measure of his own . . . with a Wilmot proviso of his own concoction," by which he means that he was entirely convinced that " no man would carry his slave six thousand miles by water and over free soil at Panama or Nicaragua, or three thousand miles over land and Indian country between the old States and the Pacific Ocean, just to begin that suit with him which the Senate's bill proposed."

Benton adds that Calhoun was excessively solicitous for the passage of this bill, and it did get through the Senate but met with scant courtesy in the House,* which passed instead a bill of its own merely to organize the Territory of Oregon, the fourteenth section of which contained an adoption of the Territorial laws (one of which excluded slavery) and of the prohibitions contained in the ordinance of 1787. When this measure reached the Senate, that body added to it a provision extending the Missouri Compromise line westward to the Pacific Ocean.

Here was of course one more effort by the South to settle the slavery question by making it a condition of the Oregon bill that slavery might be legal in the South-

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design being, of course, thus to apply the theory that the Constitution recognized and legalized slavery. This provision was contained in one of its last sections, and Benton says (ibid., pp. 12, 119) that no one hinted at it in the debate, and that he " voted for the bill without knowing such a provision was in it—nor did he know of it until long after."

* It was at once laid upon the table on motion of Alexander Stephens. According to Henry S. Foote (War of the Rebellion, pp. 79–81), Stephens was apprehensive that the Supreme Court would decide that slavery did not exist in the new possessions, owing to antecedent Mexican legislation abolishing it. The Southern members generally voted with Stephens. Foote seriously maintains the simply absurd view that, in case of such a decision, " the South would have rested quiet under this determination." They would never have done so, any more than the North did under the Dred Scott decision.

ern parts of the regions ceded by Mexico, and for this again Benton voted. He explained later in his Fayette speech that he gave this vote "for the chance it presented —the very slight chance—of settling the question," but with his mind made up at the time to recede from the amendment, if necessary to save the Oregon bill; and though some writers have charged him with a *quasi* crime in later changing his vote, his explanation of his motives is certainly ample. This Senate amendment the House refused to concur in by the decisive vote of one hundred and twenty-one nays to eighty-two yeas, and then it was that Benton changed his vote and moved that the Senate recede from its amendment and approve the House bill.

In making this motion Benton said that he had always been "opposed to clogging Oregon with California, . . . he thought he had now done enough to secure conciliation and compromise. Oregon was now in a deplorable condition." There was at once bitter opposition from the South to Benton's motion to recede, and Calhoun said, doubtless in bitter disappointment at the failure of all his efforts and particularly at the loss of the elaborately concocted Clayton Compromise plan: "The great strife between the North and the South is ended. The North is determined to exclude the property of the slave-holder, and of course the slave-holder himself, from its territory. . . . The effect of this determination of the North was to convert all the Southern population into slaves: and he would never consent to entail that disgrace on his posterity. . . . The separation of the North and South is completed." To which Benton replied that "all this talk about the dissolution of the Union gave him no concern. . . . He would think that a man who might bring brick, mortar, and trowel to dam up the mighty Mississippi had commenced a feasible and wise enterprise in comparison with the project of that man who might undertake to run

a dividing line between the States of this Union. All this talk of disunion was idle. It was like

> "'A tale
> Told by an idiot, full of sound and fury,
> Signifying nothing.'

"No influence had these menaces on him. A key dropped into the broad Atlantic would, as it had been said, produce a disturbance that would be felt in the seas of China. Just as little did this talk of disunion ruffle him." *

Nor was this mild collision the only one that came to Benton on that day. It seems that at about this time some resolutions offered by him in secret session in regard to the nomination of General Kearney had found their way into the public press, and at the evening session Butler, of South Carolina, moved to go into executive session, indicating very plainly in his speech that he intended to charge this breach of propriety upon Benton and to make some motion against him.

The latter was in a fury at once, and said loudly: "A speech to the galleries, Mr. President. Going into executive session to try the Senator from Missouri for a breach of the privileges of the Senate. There is a lie in his throat. I will cram it down or choke it out." And he

* C. G., 30th Cong., 1st Sess., p. 1076. Calhoun's speech is at ibid., p. 1074, and see Houston's answer, somewhat in the line of Benton's, at p. 1075. The bill as finally passed is at ibid., pp. 1078–1080. The Senate amendment inserting the Missouri Compromise is printed in the House proceedings at ibid., p. 1062, and the bill earlier passed by the Senate and covering all the Territories is at ibid., pp. 1002–1005. For other proceedings of importance, see ibid., pp. 804, 805, 871, 875, 876, 927, 928, 932, 950, 1002, 1031, 1043, 1048, 1060–1062, 1074–1078. Many of the speeches are printed more *in extenso* in the appendix. Benton maintained in his Fayette speech of September 1, 1849, that he carried this Oregon bill and that it was one of the proud actions of his life.

then approached Butler in a manner indicating an intention to carry out his threat, but bystanders rushed between and prevented any immediate disturbance. A correspondence resulted in a challenge from Butler to Benton at the hands of Foote,—indeed, Benton received two challenges in the matter in one day,—but Benton seems to have declined to continue the negotiations through Foote, "not on grounds affecting the personal honor of that gentleman." Finally, warrants were issued against both principals, and they were severally held in bonds for ten thousand dollars to keep the peace. I do not know how the personal quarrel was composed.*

Benton had been one of the fourteen Senators to vote against the Mexican treaty, but the reasons actuating him are not clear. There was a good deal of dissatisfaction with the treaty in the cabinet, some members even thinking it should be rejected and all agreeing (so Polk writes on February 21) that clause 10, in regard to grants of land, should be rejected. This clause was accordingly stricken out and some minor changes made, and then the treaty was approved by a vote of thirty-four to fourteen.

About a year later the point was raised that the treaty was of no validity because of inconsistency between it and the protocol drawn up at the time of signing. This question was raised in the House by the Whigs, but Polk and some others thought that Benton was in reality the originator, and apparently he had at least a share in this rather belated contention, though it is not clear to what extent.

The whole matter is obscure, but in March, 1849, Benton moved a call in executive session for the pro-

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* Wentworth's Reminiscences, p. 48. Benton's speech at Fayette, Missouri, September 1, 1849, printed in pamphlet form. The (Philadelphia) *North American and U. S. Gazette* for August 15, 16, and 18, 1848. C. G., 30th Cong., 1st Sess., p. 1077.

ceedings leading to the treaty and on March 22 moved that the protocol "ought to be held as binding upon the United States." There is no vote recorded on this motion, but later the Senate apparently voted that the protocol, not having been passed upon by the Senate, was no part of the treaty. The effort ended here, but it will be well to bear in mind that Foote made a personal attack upon Benton in the matter. Foote writes * that he learned that Benton was "in collusion with the Mexican minister at Washington for the purpose of procuring the rescission of the Mexican treaty," and he consequently made a short speech in the Senate, "accompanying the same, as far as I was capable, with appropriate glances and gestures" towards Benton. The speech was very pointed and was brought to a close with the couplet,—

> "Who would not *smile,* if such a man there be?
> Who would not blush, if *Atticus* were he?"

Foote adds that he will leave it to those present to say whether there was "real 'blenching' in the distrusted quarter," and concludes by saying that on the pending proposition only two speeches were made, one for and one against, and that it was then at once voted down with only one dissentient vote.

By this time Benton had long ceased all relations of friendliness with Polk, and was indeed at times a thorn in the side of the administration. Thus, he published in the *New York Herald* of September 26, 1848, a letter to the people of California, dated as "written at Washington City this 27th day of August, 1848, and sent by Colonel Frémont," in which he advised the people to meet in convention and form an independent government, until Congress should act, and he indicated further in outline the kind of government they should adopt, telling them

* War of the Rebellion, pp. 101–112. Foote's speech is printed in C. G., 30th Cong., 2d Sess., pp. 498, 499.

that "the edicts promulgated by your temporary governors (Kearney and Mason, each an ignoramus), so far as these edicts went to change the law of the land, are null and void, . . . for the laws of a conquered country remain in force until altered by the proper legislative authority." This "extraordinary letter," as Polk called it, was thought to be meant as an indication to the Californians to choose Frémont as their governor, and was considered in the Cabinet on September 30 with a view to some action to prevent its having any effect.

What led to the breach between Polk and Benton is not altogether clear, but it is evident that they were in the first place men of too different natures to be long close to each other. In addition to this, Benton had learned, as has been seen, that one member of the Cabinet was engaged in secretly writing articles upon the subject of Oregon which were certainly intended to injure Benton and others; and he at least suspected that other members of the Cabinet were covertly working against him. He thus naturally grew excited and suspicious, and it is by no means unlikely that he came to suspect the truth, that Polk himself was not entirely free from connection with these doings.

But, however much all this may have prepared the way, the chief cause was probably the proceedings as to Frémont and his court-martial. Benton could take up very warmly any quarrel in regard to a relative or friend, and he evidently made Frémont's trouble his own. In August and the autumn of 1847 Polk records some conversations with Benton upon this subject, in which the latter spoke with much excitement and feeling, and seems to have threatened a congressional investigation, unless the court-martial should go into everything. He was highly indignant at Frémont's condemnation, and later visited his wrath on Frémont's chief rival in the contest, Kearney.

Polk thought that he had dealt quite as leniently with Frémont as Benton had a right to expect when in approving the finding of the court-martial he had remitted the sentence of dismissal; but when, about a year later Kearney was nominated for promotion near the end of the session, Benton opposed his confirmation, and—so Polk was told by Hannegan—"was violent beyond what is usual even for him, and . . . avowed his intention to speak out the balance of the session and defeat all public measures before Congress rather than suffer a vote on General Kearney's nomination to be taken." The debates show that Benton did make a bitter arraignment of Kearney in a speech of most portentous length—extending over part or all of the executive sessions of thirteen days and covering sixty-two pages of the *Congressional Globe;* but Kearney's nomination was confirmed by a vote of thirty-two to fourteen, a few days before adjournment.

Polk recognized the Frémont case as one chief cause of the break, but thought that a question of patronage was also largely back of it. About March, 1847, Benton's son-in-law, Jones, asked Polk for a nomination as *chargé d'affaires* abroad, but Polk gave him little encouragement, thinking he had no claim as the recent editor of a "federal" newspaper. On March 29 Polk writes that Benton asked that this same appointment should be made; but when Polk gave him also little encouragement, "he said he merely wished to present the application and leave the disposition of it with me." Polk adds that, if he does not appoint Jones "it will be the cause of a violent outbreak of opposition to me by General Benton," and continued to think that his refusal was one of the chief causes of their separation. It is highly unlikely that this was really the case. Benton was at no time a patronage-monger and he can hardly have put much weight on this matter, though it was undoubtedly a case—and the only one I know of in his career—where he did in reality ask for an office for a

near connection, contrary to the principle he had learned from Macon. There is no essential difference between a Senator's asking outright for an office for his son-in-law and presenting an application for such an appointment.

It was in Polk's character to attribute great weight to such a question of patronage. Though he came to the presidency with an honorable ambition to distinguish his administration, and though he labored hard and probably hurried on his premature death by efforts to accomplish this end; yet he was not very far from what must be classed as "a mere politician." While his "Diary" shows him often disgusted and heart-weary with the physical and mental exhaustion caused by hordes of hungry applicants for office, yet it equally shows the vast importance this function of his office bore in his mind, and pages in the "Diary" are taken up with detailed considerations as to some single nomination of no great moment and the *pros* and *cons* of the factional questions involved.

One other event of the latter part of Polk's term must be mentioned, for it evidently brought him a great deal of mental trouble, and to Benton it brought home more strongly that conviction, which he was among the earliest of our public men to reach, that an effort to break the Union and a consequent civil war were near at hand. The Southern leaders, chiefly under the lead of the great South Carolinian who had so long led his people with syllogisms as absolutely as other men have gained their ends with blood and iron, began once more to threaten in loud tones and to make every endeavor towards the presentation of a united front. Much was heard again of intended Southern conventions, and the members of Congress from the South held a series of *quasi* secret meetings, at which the interests of their section were discussed and every effort made to induce the members to join as one man in issuing an address which should take very ultra ground. Many of their leading men were by this

time fully determined not to remain in an Union which endangered the existence of slavery or in which they were deprived of an equality of power for their protection. Proud as man can be, masterful, and feeling their capacity to lead, they could not brook a position of inferiority, and many were already wrought up to the pitch of leaving the Union they had so long loved and of facing, if need be, a civil war to establish constitutional rights which they undoubtedly thought they had and which would not have been questioned early in our existence under the Constitution.

Benton was invited—probably as a Southern man, and evidently by some one who wanted to oppose the proceeding—to attend these meetings, but declined. He must, though, have been kept pretty well informed by some attending member of what was going on, and he devotes a good deal of space to an account of the efforts to force upon the body the very ultra address which Calhoun had prepared and of the various softenings which were later made in this paper in the effort to lead to unanimity. The chief importance of the whole matter here is to show the growth of Benton's convictions as to the outcome of the course pursued by the South; but it should not be left unsaid that these meetings caused grave sorrow to Polk, who, whether the opinion above expressed as to his faults is right or wrong, had at least always strongly at heart the good of the American people as he saw it. He often refers to the meetings in his "Diary" and writes that Houston of Alabama, Cobb and Lumpkin of Georgia, and McLane of Maryland, told him that they among others could not sign the address which Calhoun had drawn up.*

* Some interesting details of the proceedings at these meetings are to be found in the View, ii., pp. 733–736, and in Benton's Fayette speech of September 1, 1849. See also Polk's Diary for January, 1849, passim.

CHAPTER XX

THE COMPROMISE MEASURES OF 1850—BENTON'S OPPOSITION TO THE OMNIBUS BILL—ENCOUNTER WITH FOOTE

When on March 4, 1849, Polk handed over the reins of government to his successor, Zachary Taylor, the state of public affairs was most serious. So bitter and obstinate had been the struggle over the question of slavery in the newly acquired Territories that even far north Oregon had been left in the lurch without regular government for nearly three long years after the treaty with England, and the regions acquired from Mexico were all still without any government except temporary ones under the mere orders of the President. As to all the vast territory now included within the limits of California, Nevada, Utah, Arizona, New Mexico, and parts of Oklahoma, Colorado, Kansas, and of Wyoming, Congress had been able to agree on absolutely nothing since the ratification of the treaty of peace with Mexico on March 10, 1848; and Texas was threatening and blustering over her claim to a large stretch of New Mexico in a way which might easily have led to a clash with the federal army. Threats of disunion were frequently heard from high officials in the South, and so far had the struggle gone that it was clear some way of escape must soon be found or the country would break up.

It was in this state of public affairs that the Thirty-first Congress met on December 3, 1849. Our annals hardly contain a session so full of pathos and dramatic interest. The veteran Clay had come out of his retirement, fired with the hope of saving the country he loved

so well, and was now once more to be seen sitting in the Senate. Old and infirm, with the seal of death visibly on him, weak and at times almost prostrated by the labors of the session, he yet soon took the lead and showed remarkable strength for a man of his years and so near the end. The towering intellectual giant Webster was there, too, far on in the decline of his powers and influence, but with a stronger hold on life than either Clay or Calhoun, the third man of the Senatorial triumvirate of so many years. Calhoun was nearer the end of all things upon this bank and shoal of time than either of his great compeers, but still flashed out now and then with his old intellectual fire.

In the early days of the session, inspired by a patriotic, if possibly dim, desire to help on a settlement of the questions which were distracting the country he still wanted to be able to love, Calhoun had gone to Clay and resumed the pleasant relations which had long been broken between them, and it is said that Benton, too, had done the same thing about two years earlier. As the session wore on, Calhoun's powers waned, and when he died on the last day of March, the animosities of the hour were for the time forgotten over the bier of one of our very greatest public men.

It is maybe natural that those of Calhoun's period and a few decades later should look upon him as Benton did, but history must accord the great South Carolinian a high measure of praise. And for pathetic interest, where is his equal to be found? Beyond doubt as a young man full to the brim with devotion to the cause of the whole United States, he only became sectional and took up a course which led in the end to disunion, when he felt that his *Lares* and *Penates* were in peril. Whether wrong or right, his short human vision drove him to the conviction that his children, his family, his neighbors, his State, his section of our common country, were in griev-

ous danger of unspeakable horrors from the drift of public events, and he then buckled on his armor to save those who were nearest to him on earth. One of his final utterances was to express a fervent wish for "one hour more to speak in the Senate, when I can do more good than on any past occasion in my life," and the very last words he spoke on earth were "The South, the South, God knows what will become of her!"

No one can doubt that these fleeting visions of his latest hours were a true index to his real longings, and the latter in particular tells the thought for years uppermost in the mind of this at times seer, who as far back as 1838 had warned the Senate that slavery was "the only question of sufficient magnitude and potency to divide this Union; and divide it it would, or drench the country in blood, if not arrested:" and who in 1849 foretold that crime which is to-day causing the American people so much sober thought, when he wrote in the Southern Address that in the event of emancipation the vote and the right to hold office would be given to the negroes as a means of securing the political control of the South. Where is the man, whose life is so free from awful human blunders, that he can afford to blame Calhoun, even though we must accord a far higher measure of statesmanship as to this point to those who, like Benton, foresaw from the start both the folly of the effort to divide the Union and the dreadful truth that Calhoun was steering his people clear of Scylla only to plunge them headlong on a ragged and far more destructive Charybdis?

Few scenes in history are so deeply dramatic as that of the last speech of this great leader in the Senate. Far too weak himself to give it utterance, he could but sit by pale and wan, with hollow eyes flashing forth now and then to give emphasis to some point, while the Virginian Mason trolled forth this last and at bottom hopeless mes-

sage of the greatest of the Southern leaders. In the cold reason of its written words and in the splendid color given to it by the fine presence and full commanding tones of the reader, whose voice is said to have rung through the hall like a blast from a trumpet, there resounded once more, though his hearers knew it not, fateful notes of sorrow and deep despair, which foretold the approach of what has since been called the End of an Era.*

These events and others added pathos and interest to the session, which turned out to be a very long one, full of conflict and bitter disappointment for every one, and for months it seemed as if absolutely no step forward could be made. One proposition after another was offered, just as had been the case under Polk, but the grim determination of both sides to have their own way seemed only to grow stronger. California was in a condition to entitle her to admission and soon appeared at the doors of Congress with a constitution which prohibited slavery, but the South was bitterly opposed to her admission, for with her in the Union as a free State, the equality of the sections would for the first time be broken.

Hence every effort was made to put off this evil hour or at least to make her admission conditional upon the concession of other provisions which should secure ample slave territory to the South in the future. Clay, who soon took the lead in the compromise measures, had originally intended that the bill to admit California should be passed on its own merits alone, but Southern members dragooned him into the belief that the efforts at compromise would fail, if this were done, and that the very same bill which admitted her must contain measures satis-

* Foote's War of the Rebellion, pp. 116, 120. Gustavus M. Pinckney's Life of Calhoun, p. 211. F. R. Marvin's The Last Words (Real and Traditional) of Distinguished Men and Women, p. 28. C. G., 25th Cong., 2d Sess., appendix, p. 29. View, ii., pp. 139, 735. O. O. Howard's Life of Zachary Taylor, p. 357.

factory to the South as to the establishment of governments in the new Territories. They of course feared that otherwise they would find themselves with California in the Union and their equal power gone, and that then they would fail to establish slavery in the other newly acquired Territories.*

The result was that at length, on May 8, 1849, Clay reported three bills to settle the whole subject from his special committee of thirteen. The two minor ones respectively contained a new fugitive slave law and abolished the slave trade in the District of Columbia; while the chief measure admitted California; established governments in the remaining Territories with provisions as to slavery, the meaning of which was not then clear and which became later a subject of further controversy; and settled the Texan contest by an artificial line and by paying her a sum of money for releasing her claim.

This last measure, which soon came to be called the "Omnibus Bill" in derision of the incongruous nature of the provisions contained in it, was at once taken up and was most bitterly opposed by Benton. Indeed, there can be no doubt that he did far more than any other man to defeat it. In the early stages, before it had been reported, he showed no little desire to unite in some compromise to relieve the distracted country, and with this view not only accepted material alterations of his own proposals made by Clay, but went out of his way to thank the latter "from the bottom of his heart . . . for his frank, manly, noble speech" of February 5 and 6, which, Benton thought, had done so much to quiet the public mind; but, when the report of May 8 and the Omnibus

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* C. G., 31st Cong., 1st Sess., appendix, pp. 864, 865. Foote was evidently the leader among those who induced Clay thus to change his plans. Foote's War of the Rebellion, pp. 118–120, 174. C. G., 31st Cong., 1st Sess., appendix, pp. 365–369.

Bill came in, Benton evidently looked upon the whole plan as a complete surrender to the most ultra Southern men.

His contention was that California had a right to be considered on her own merits alone and that it was all wrong to tie up her fate with that of other measures having no relation to her. All the States in the past, he insisted, had been admitted or denied admission without being clogged with extraneous measures, and there was no reason for the exception in her case. In reply to the half-expressed explanation that only in this way could the necessary majority be secured, he answered with considerable forecast of coming events that so many members would be unalterably opposed to some one of the many provisions of the Omnibus that it would be sure to fail in the end, and that there was a far better chance of success in the regular way by taking up each measure separately.

From May 8 until the very last day of July, when the conglomerate Omnibus Bill had been lopped of one section after another, until it was merely a bill to provide a territorial government for Utah and was passed in this shape with Benton's aid, he opposed the scheme with every means in his power. When Clay dramatically counted off on the fingers of his left hand the "five gaping wounds" of the country, Benton denied their existence and suggested that that number of wounds had been selected by the orator simply because Clay was formed like other men, and "when the fingers gave out," the gaping wounds gave out also.

And on another occasion he greatly amused the Senate by ridiculing the Omnibus Bill as a mere "medley of five old bills introduced by different members," which when separate had had no special virtue, but had now become remarkably sweet-smelling by being bundled together; he could, he said, only compare it to a contested question of patent medicines then raging as to the relative

virtues or vices of the "Old Dr. Jacob Townsend's and the young Dr. Samuel Townsend's Sarsaparilla," both extracted from the same root, yet the one doctor strongly intimated that the extract offered for sale by the other was poisonous.

In numerous instances during these weeks of debate involved in bitter personalities with Clay and others he was beyond question often disorderly and his actions remind one at times of some noble animal brought to bay, lashing his sides with fury and blindly attacking friend as well as foe. So much alone indeed had he come to be, so apart from his political friends of the past, and yet so far away from the position of the Northern opponents of the measure, that he evidently felt at times his awful isolation, and it is with a sense of pain that one finds this giant of strength petulantly complaining that he is always called to order, others never.

Taylor was well known to be opposed to the Omnibus Bill, had no patience with the everlasting threats of disunion, and was probably determined to use force if such a step was seriously attempted. Indeed, he pretty clearly intimated this purpose in his only message, being led so to do by a visit from Calhoun in which the latter urged him to say nothing upon the subject. It is said, too, that, shortly before his death, Taylor was preparing a message announcing this same purpose and consulted Benton about it, and that it was understood between them that Benton would defend the message in the Senate.*

During the course of the debates Benton had undoubtedly demonstrated by an elaborate examination of Mexican legislation upon the subject, which he quoted in the original and then translated, that slavery had been abol-

* Letter of reminiscences to the present writer from Benton's son-in-law, the late Colonel Richard T. Jacob, who wrote that Benton spoke of the matter to him several times. View, ii., p. 740.

ished by Mexico and did not therefore exist in our new possessions. Here was a most serious trouble for the South, which required more syllogisms to be got over, and for which they were not likely to be thankful to him.

Again, when the Omnibus Bill had been trimmed almost to death near the end of July, he boasted that he had "expressed the belief that there has been no moment in the progress of this business in which there was not a majority of Senators in favor of the general object of each measure in this bill." And finally, after the measures had all passed separately, he analyzed the vote and showed that only eighteen members could possibly be counted as having voted for every one of them, though each bill had got through separately with majorities varying from eighteen to ten. And as another evidence of how mankind always delight to maintain that they have been right, he insisted that he had five years before foreseen all these troubles and that his bill of February 5, 1845, to provide for the admission of Texas would have settled them all in advance.

It is needless to follow in detail his bitter, indignant, and often disorderly, struggle; and it will be enough to say that he voted of course for the bill to admit California and for those to provide Territorial governments for Utah and New Mexico; he voted also for the bill to suppress the slave trade in the District of Columbia and said that "with respect to the abolition of slavery in this District, I am one of those that believe it is covered by the Constitutional power of Congress. I am one of those who believe, from the foundation of the government to the present day, that it ought not to be touched while slavery exists in the States from which the District was ceded. And surely Congress has shown no disposition to touch it."

He opposed the bill to fix the boundaries of Texas, thinking the State entirely too large; and on the fugitive

slave bill he did not vote at all nor does he seem to have spoken in the debate. He explains that he looked upon the new and elaborate bill as quite unnecessary and ill-advised, and that he would willingly have voted in favor of a measure—which was made necessary by judicial decisions—merely to create a set of federal officials, in place of those of the States, to carry out the existing statutes upon the subject.*

It has been said that the session did not go by without seeing Benton engaged in several angry collisions, and one of these stands forth in special prominence, constituting, I think, the only instance in which the Senate chamber has witnessed one member draw a pistol on another. There can be no doubt that Benton was an irascible man, but the blame for this particular quarrel rests beyond all question with his opponent, who evidently aimed to insult Benton so grossly as to force him to a duel.

Henry S. Foote was at all times of his career most erratic, ever changing from one view to another, and was on numerous occasions involved in contests with words or fists with numbers of men who came in contact with him. To say nothing of many minor collisions in debate with his colleague from Mississippi and political rival, Jefferson Davis, as well as with others, he is said to have had a personal encounter with Davis at the breakfast table of their boarding-house in Washington, and again with Cameron on the floor of the Senate; and on another occasion, after some dispute with Frémont in the Senate, the contest was renewed in the lobby and Foote knocked Fré-

* Benton's speech to show that slavery did not exist in the regions acquired from Mexico is to be found in C. G., 31st Cong., 1st Sess., pp. 430–432. The quotation of his opinion as to the abolition of slavery in the District of Columbia is in C. G., 31st Cong., 1st Sess., p. 712. For his opinions on the fugitive slave law, see View, ii., pp. 778, 779; C. G., 31st Cong., 1st Sess., p. 657.

mont down. Foote is, moreover, described by a modern writer as having been " irrepressible . . . a garrulous little man who wore green spectacles," and the philosophic reader will not fail to find in this description precisely those waspish traits likely to goad to fury a man of Benton's make-up.

But far more is to be added. For as much as ten years Foote had been assailing Benton in the press and on the stump, and at the opening of this very session of Congress had made a bitter fight in the Democratic caucus against his selection as chairman of Foreign Affairs, and after a fight of two days had succeeded in defeating him by a majority of one vote. Again, Benton knew very well that Foote was one of his leading enemies in the desperate and losing struggle he was then engaged in to save his political future in Missouri, and Foote was, moreover, the leading character in dragooning Clay into that policy, which was so persistently opposed by Benton, of uniting all the principal compromise measures in one bill.

It was the opinion, too, of some who shared in the events of the time that Foote had been tacitly selected by Southern members to taunt Benton, and he was at least so grossly insulting in several instances, before his opponent took the law into his own hands, that there can be no doubt he was doing his utmost to goad Benton on to a duel.

Thus, on January 16, when Benton introduced a bill to reduce the limits of Texas, Foote, without any visible reason except that the former favored a different policy from that urged by himself, broke out at once, saying of Benton, among other criticisms of a like nature: " It is he who has taken it upon himself to wander off some thousands of miles into the bosom of his own State, and to inveigh, in language of the coarsest scurrility and most envenomed abuse, against men whom he dares not meet here in debate . . . This, sir, is the heroic chieftain, who,

when far distant from the objects of his hostility, denounces them as traitors, disunionists, and villains, and threatens, on getting sight of them in the Senate house, to demolish them forever; but who, when he gets here once more among us, is either mysteriously and stoically silent, or, assuming a truly lamb-like meekness of aspect and manner, and a soft *nasality* of intonation, is seen to *coo* round the Senate chamber 'as gently as any sucking dove.'" This tirade was kept up for some time and Foote was charging that Benton's recent "inflammatory addresses" on slavery in Missouri had led to large numbers of slaves making their escape into Illinois, when (as the Debates record) Benton left his seat, walked towards the door, and passed rapidly through it.

"See," went on Foote, "he flies as did those deluded sons of Africa. . . . He escapes me just as I was about to compare him to that degenerate Roman senator, whom Cicero once addressed in language that will never perish, exclaiming in the hearing of such men as Cæsar, and Cato, and Brutus, with majestic cadence: '*Quousque tandem abutere Catilina nostra patientia?*' As Tully said of that same degenerate Roman, I feel that I can say now, in behalf of myself and of my friends, in relation to him who has just departed from our presence, '*Tandem aliquando Quirites, L. Catilinam furentem audacia, scelus anhelantem pestem patriæ nefarie molientem vobis atque huic urbi ferrum flammamque minitantem, ex urbe, vel ejecimus, vel emissimus, vel ipsum egredientem verbis prosecuti sumus.*' I may well add: '*Abiit—excessit—evasit—erupit!*'"

Benton took no further notice of this attack, but Foote was not yet content. In the middle of February, it is evident that Benton had half induced Clay to agree to take the lead on a proposed committee to which should be referred the constitution of California, without any of the other pending measures. This point was then the *crux*, for the South doggedly insisted that all the bills should be consolidated, and Foote was about to urge on the plan of a grand committee of thirteen to settle every point at issue at one time, and was hectoring Clay as to his course,

and angrily objecting to the "attempt to smuggle California into the Union."

In one of his speeches Foote expressed a hope that the Senator over the way [Benton] would not "grow restive under my strictures and be seen again precipitately to fly from our presence," and then went on with another personal attack. Benton was taunted with approaching defeat in Missouri, with being now "solitary and alone" indeed in the Senate, with being "at least as much distinguished for imposing *nasality* of intonation as for his learning or eloquence," and these mere gad-fly stings were coupled with the far more serious insinuation that he was personally interested in the question of California's admission on behalf of his son-in-law, Frémont.

Of this attack, too, Benton, with a self-restraint quite unknown to his younger days, took no notice, but once more it was renewed, on March 26. Benton had claimed to be the friend of California, because he insisted that the bill relating to her should at once and alone be taken up, and Foote then ridiculed the claim and attacked Benton as the would-be "Cæsar—Napoleon—Pater Senatus—Censor Morum" of the chamber. Benton replied "I mean by the friends of California those who are in favor of admitting the State without remanding her to the territorial condition, and without dissolving the Union on account of her admission. That is the line of distinction I make, sir. Now, sir, I am understood.

"Mr. President, I believe this is the American Senate. I believe, by the laws of this Senate, that personalities and attacks upon motives are forbidden. I also believe that they are forbidden by the rules of decorum. This much I believe; and now, sir, I will tell you what I know; I know that the attacks made upon my motives to-day and heretofore in this chamber, are false and cowardly."

Foote replied at once, referring to Benton's objection to personalities and then went on:

"After which—ay, the very next second—he is heard to pour forth a full tide of as offensive personalities as were ever listened to in the Senate, or as could have been uttered with equal volubility and unction by a regular ale-house disputant. Yes, sir, this gentleman—more renowned than any of modern times for the incessant eructation of the terms of coarse and low revilement and not wholly free from the frailty of indulging in another sort of personality which may be called personality *egotistical*—now whiningly complains that personalities have been resorted to for his annoyment; . . . and now, sir, I will formally announce that there are certain stains which have most hideously blemished the character of the honorable Senator from Missouri, since the days of his early manhood; that the unfavorable anticipations, awakened by the dawn of his career have been quite strikingly realized by the meridian of development through which the honorable Senator has now passed; that there are incidents in his history of somewhat recent occurrence,* which might well relieve any man of honor from the obligation to recognize him as a fitting antagonist; yet is it, notwithstanding, true that if the Senator from Missouri will deign to acknowledge himself responsible to the laws of honor he shall have a very early opportunity of proving his prowess in contest with one over whom I hold perfect control, or if he feels in the least degree aggrieved at anything which has fallen from me now or formerly, he shall, on demanding it, have full redress accorded him according to the said laws of honor. I do not denounce him as a *coward,*—such language is unfitted for this audience,—but if he wishes to *patch up* his reputation for courage, now greatly on the wane, he will certainly have an opportunity of doing so whenever he makes known his desire in the premises."

Benton at once angrily pronounced it "cowardly to give insults where they cannot be chastised. Can I take a cudgel to him here?" he asked, and there was for some time great disorder. And the next day he called the subject up and announced formally that, if the Senate failed in the future to protect him from such attacks, he intended "to protect himself, cost what it may." He charged, too,

* Referring presumably to Benton's threatened duel with Butler, in which Foote had been second for Butler. The reference to alleged early stains on Benton's character was doubtless to what has been called the cravat story.

that the report of Foote's speeches in the encounter of March 26 as published in the *Union* was untrue, and particularized a clause in which Foote was made to say of Benton: "At present he is shielded by his age, his open disavowal of the obligatory force of the laws of honor, and his Senatorial privileges." This, said Benton, " is an afterthought, an invention of cowardice . . . a malicious and systematic falsehood," and he denied having ever disavowed the laws of honor, even in the sense intended by the speaker. The reporters had, he said, brought to him their notes of his remarks, but he had declined so much as to look at them, and he maintained that that was " the only way that honor can ever do . . . [in regard to the] report of personal scenes." It was evidently well known, and Foote admitted, that he had revised the notes of his remarks and conceded that he was not sure of having used the language Benton quoted as well as some other remarks in the reported speech, and that he had also omitted some parts of what he did actually say.

It is worthy of note, as a sample of the consistency of the famous code of those days that these emendations and omissions in his own interest were made by Foote in the presence of various Senators among whom he mentioned King and Butler; and that he had even gone so far as to omit *in toto* from his reported speech by far the most outrageous paragraph he had uttered, in which he charged Benton with having on a certain occasion had an attack of " shaking of the limbs and . . . blanching of the countenance under the influence of fear I have witnessed. . . . At present he is shielded by his own established cowardice." Foote closed by again offering to meet Benton in duel, and urged the latter to send a challenge or say he would accept one.

It is evident that by this time the Senate was alive to the harmfulness of these scenes, and a week later Vice-President Fillmore announced that he had considered the

matter and was of opinion, despite the fact that the practice had been otherwise since Calhoun's vice-presidency, that he had power of his own motion to call members to order, and intended to do so. Peace then continued for a time, but the storm broke out once more on April 17.

On this occasion Benton had criticised the language of the Southern Address in a very mild way,—the strongest thing he said against it being that it was at the root of the agitation which had thrown the country into a flame, and that it had cried "wolf," where there was no wolf,—but Foote then got up and contrasted the high characters of the signers of the Southern Address with that of "their calumniators, no matter who they may be," and a few minutes later showed that he meant to indicate Benton as the calumniator-in-chief; but this point was barely reached when Benton arose hurriedly, pushed his chair from him, and advanced towards Foote, whose seat was only about twenty feet distant and in the same back row as Benton's. Foote moved down the aisle towards the Vice-President's desk with Benton following him, while Dodge of Wisconsin took hold of the latter's arm,—they were friends of years' standing,—and said, "Don't compromise yourself." Benton soon turned and was going back with Dodge to his seat, without any struggle, when he saw that Foote held a pistol in his hand and broke out at once into a fury of excitement. "I have no pistol! I disdain to carry arms! Let him fire! Let the assassin fire!" he cried out and threw open his coat, continuing for some moments to repeat his exclamations.

The Senate account has it that he then struggled with those about him, as if desirous of approaching Foote, while Bradbury denies that there was at any time a struggle by others either to hold him or to take him back to his seat, and says, "The only interference with his free action was Dodge's taking hold of his arm." Most accounts speak of Benton as being in a fury of rage, while John

Wentworth describes him as "the least moved of any man in the Senate . . . standing emotionless [and exclaiming], with a loud and defiant voice," and adds that generally, in anger, "he was like a brazen statue, his flesh all solidified and every muscle strongly drawn and fixed." Benton then forced Bradbury and Dodge, despite their protest that no one would doubt his word, to search every pocket on his person, and not even a penknife was to be found.

Meanwhile Foote, who had early in the encounter drawn and cocked a revolver and held it in his hand muzzle down, gave up the weapon to Dickinson. A stormy scene ensued, in which Benton charged that Foote had come to the Senate intending to assassinate him, and Foote denied any such intention, and explained that his friends had advised him, after Benton's threats, that, as the weaker man physically, he had best go armed, so as to protect himself from assault. He said also that he had supposed that Benton was armed.

Efforts were made by third parties to go on with the regular business of the Senate, but Benton said, "We are not going to get off in this way" and insisted that, if the Senate did not take notice of the proceeding, he should be forced to go and get a weapon himself. "[The occurrence] shall not pass. I will not be satisfied here." In the end, after a scene of anger and after Benton had repeatedly charged Foote with intending to assassinate him "under the villainous pretext that I was armed—the pretext of every assassin who undertakes to constitute a case of self-defense when laying out the death of his victim," a committee of seven members to investigate the disorder was appointed by the Vice-President.

After two members were excused, this committee consisted of Pearce of Maryland, chairman, Webster of Massachusetts, Phelps of Vermont, Rusk of Texas, Bell of Tennessee, Shields of Illinois, and Soulé of Louisiana.

Benton and Foote conducted their respective cases before the committee and produced quite a large number of witnesses. Finally, on July 30, a unanimous report was presented to the Senate, in which, after narrating the facts, the committee said,

"In the first place, they report to the Senate, as their unanimous opinion, that Mr. Foote is entirely innocent of any design or desire to assassinate Mr. Benton. But they are bound to say, that at various times during the present session, Mr. Foote, without any sufficient provocation, so far as the committee are informed, indulged in personalities towards Mr. Benton of the most offensive and insulting character, such as were calculated to arouse the fiercest resentment of the human bosom. These were suffered by Mr. Benton for a long time with great forbearance.

"On the 26th of March last they were renewed; and on this occasion Mr. Benton manifested his resentment with much violence. On the succeeding day he recriminated, in language equally personal, disorderly, and abusive. . . .

"The committee cannot too strongly condemn the practice of wearing arms in the Senate Chamber.

"Ours should be deliberations of peace, patriotism, and wisdom; uninterrupted by personalities, uncontrolled by force, unintimidated by preparations for deadly conflict. Senators should rely for defence upon the Senate, whose high duty it is to protect its members from injury or insult, and whose practice should furnish a perfect guarantee of such protection. . . .

"In the present care, under all the circumstances, the committee forbear to recommend any action to the Senate. They hope that the strong condemnation of the personalities which led to threatened violence, their censure of the attempt by a member to avenge himself in the presence of the Senate and of the practice of carrying arms in the Senate Chamber, will be a sufficient rebuke and a warning not unheeded in future."

In the middle of June, again, Benton and Foote were engaged in a warm conflict but observed the proprieties, when Benton opposed and stopped a purchase of books advocated by Foote which Benton thought a mere "job": but there was one touch more of the personalities very late in the session. On September 16, after the defeat of the Omnibus Bill and the passage of the measures sep-

arately, Benton boasted that he had said from the start that such would be the result, and added that no Senator could come upon the floor and lay down a plan of operations not to be departed from. The remark was intended partly for Clay, but doubtless also for Foote, who had been the chief sponsor of uniting all the measures, and Foote answered, with an evident reference to Benton's expected defeat in Missouri, " I should be the last man in the Senate, I hope, to incur a charge of being either tyrannical or oppressive; but if we have been the subjects of tyranny, if a domineering course has been at one time pursued here, and if we have borne it with patience for years, yes, sir, for almost thirty years entire, thank God! we may exclaim at last, *' Behold the tyrant prostrate in the dust, and Rome again is free.' "* *

* The following are the pages in the Debates at which the important details of the Foote-Benton conflict will be found: C. G., 31st Cong., 1st Sess., pp. 168, 355, 366, 602–604, 609, 610, 631, 632, 762, etc., 769, 1153, 1154, 1479, 1480, 1829. Mr. Rhodes, in his History of the United States (i., p. 169), says that Senator Bradbury expressed to him the opinion that Foote had been tacitly selected by the Southern leaders to taunt Benton, and some parts of the debates give color to this view. Of course, however, any such selection must have been loosely made by a few members. The South would never have permitted the finding of such a report as that of the committee of investigation if Foote had been egged on by many of the leading men. In the hearing before the committee of investigation, Benton had the reporter bring in his original notes, showing the suppressed portion of Foote's speech which I have quoted, and he showed, too, that Foote had cut it out. 31st Cong., 1st Sess., Senate Committee Reports, No. 170, pp. 122, 123. For Foote's antecedents, see J. Fairfax McLaughlin's Matthew Lyon, p. 302; Oliver Dyer's Great Senators of the United States Forty Years Ago, pp. 139, 140; Schouler's United States, v., p. 172; Foote's War of the Rebellion, pp. 110, 111; C. G., 31st Cong., 1st Sess., p. 610. Many accounts of the contest have been published, but of these I have only used (the text sufficiently indicating where) that contained in Wentworth's Reminiscences, p. 48; I have also used a letter to me from the late ex-Senator Bradbury. Both writers were present at the principal outbreak.

CHAPTER XXI

BENTON'S LAST SESSION IN THE SENATE—ENORMOUS POWER LONG WIELDED BY HIM IN MISSOURI—THE JACKSON-NAPTON RESOLUTIONS—APPEAL CAMPAIGN AND DEFEAT — BILLS FOR A TRANSCONTINENTAL RAILROAD —" THERE IS THE EAST, THERE IS INDIA"

THERE remained now but one more session for Benton to serve in the United States Senate—the second or short session of the Thirty-first Congress. Attention has been already called to his gradual separation from his party, and one more evidence of the same fact must be mentioned. Upon the death of John Quincy Adams, on February 23, 1848, Benton was selected to second the usual motion upon such occasions in the Senate. There can, I think, be little doubt that a few years earlier he would neither have been asked nor would he have consented to do this, but he records in the " Thirty Years' View" that when he was sitting in his library one dull evening and a letter was handed him from Webster informing him of Adams's death and that the Massachusetts delegation had selected him for the purpose, he was taken by surprise, and there came over him a feeling of inability and unworthiness. He even made inquiries whether some one else could not act instead, but found this impossible, and he then in a few days made a short speech highly appreciative of the long career of the distinguished dead, which cannot but have been most distasteful to Southern members who looked upon Adams as one of their bitterest enemies.

The separation from his political friends of the past had been steadily growing until now at his last session he evidently stood very much alone, and was even given no

committee position but an inferior one on the Committee of Finance, but he none the less introduced and pressed several measures of his own, most of which he had in some form urged in past years and some of which have since found their way on to the statute-book. Among them may be mentioned a bill to build an armory in the West; one to transfer the Coast Survey from the Treasury to the Navy Department; one to make the acquisition of land to settlers easy, in the line of the policy he had ever pursued; one for a railroad and great national highway to the Pacific; and one to settle land titles in California, to protect Spanish grants, and to prevent appeals in such cases from going to Washington. In the discussion of this California bill it became evident that he had made a careful study of the Spanish system of granting lands there, which, he said, was quite different from that prevailing anywhere else. He also opposed strongly a bill to extend Revolutionary pensions to the widows of those who had married after the Revolution.

The last speech Benton ever made in the Senate, so far as the "Globe" shows, was on February 14, 1851, upon a bill he asked leave to introduce and which concerned in part a policy he was at this time strongly urging, the building of a railroad to the Pacific Coast. Apparently, his earlier bill of the session upon this subject had been in some way smothered, and he took this somewhat irregular means of securing the right to speak upon the subject. This was a mode he had adopted in any number of cases in the past, but in this instance objection was raised by Foote and others, and he only succeeded in making his speech after a long wrangle. He was in the Senate and voting on February 19 and 20, but after that date the "Globe" does not show his presence. It was during the course of this session that Henry S. Geyer was at length (January 22, 1851) elected by the Missouri Legislature to succeed him as Senator.

It will be well now to go back some years and try to find out the sources of the immense power Benton had held so long, and how it came to be broken in the end. In the first place, it must be said that Missouri had for years been so overwhelmingly Democratic that John F. Darby writes that, when he was in 1850 elected a member of the United States House of Representatives, he was the first Whig to be elected in the State for twenty-five years.

The immense power resulting from this state of affairs was largely wielded by Benton, who is said on all hands to have had an unexampled hold on the people of Missouri. It is worthy of mention, as an instance of his methods and of his boldness, that in 1836 he moved in the Senate to strike Missouri's name out of the distribution bill then pending, and this despite the fact that three years earlier—as he said in the Senate on January 24, 1833—opposition to the then distribution schemes had been used against him in his recent election and "it had been carefully spread in all directions that he had deprived her [Missouri] of a gift of five hundred thousand acres of land, and two large dividends of money."

Senator Elkins has said, "No man ever dominated a political party more than Mr. Benton did the Democratic party of the State of Missouri from 1820 to 1850. His hold was so great on the Democrats of that State during this period that he hardly asked to be re-elected to his high office—his party thrust his election upon him. Once in two or three years he made what might be called Benton's triumphal progress through the State, and told the multitudes who came out to greet him and hear him speak what 'I, THOMAS H. BENTON,' had done as their public servant in the Senate of the United States for the State of Missouri and the whole country." And on this same point it may be added that in October, 1844, in a private letter to a friend he wrote of his coming election as being absolutely certain, though an intrigue against him had

been attempted, and described it as " an event about which you will see in a little speech at Hannibal I take no concern and leave it to the *Hands.*"

This was doubtless largely exaggeration, or else he felt by that time that the dangers to his election had been overcome, but it seems clear that his methods of securing his power were not at all based on that building up of a machine, which constitutes politics in the minds of many. He largely appealed to his people from a higher plane and was in the habit of circulating his speeches on great questions of policy—quite as well as those of a more partisan character—among them in large numbers. John Quincy Adams * reproaches him in 1825–26 with printing and circulating a large edition of one of his land-law speeches, and Benton's colleague Barton made the same charge.

This instance was beyond question one of seeking votes, but it was doing so in a proper way, and again it may fairly be assumed that the pamphlet published in Missouri in 1844 and containing his articles of 1819 on the India trade was another honorable way of appealing to the voters. There can be no doubt that a chief element in his methods was to convince Missourians that he was a valuable representative, and hosts of instances could be cited where he faithfully guarded their rights.

He was in the habit of spending the summer months in St. Louis, and must then have met many prominent men from all over the State; but I have found little evidence of his travelling much throughout Missouri. Colonel Switzler, a contemporary and political opponent, has written me that Benton's appeal campaign of 1849 " brought him face to face for the first time with the people of all parts of the State;" and Bay, who knew Benton well in his latter years, writes that he " seldom travelled except in going to and returning from Washington." I

* Diary, vii., pp. 187, 188.

have only come across one instance (in the spring and summer of 1839—*i.e.,* the year *following* one of his elections) when he rode some eleven hundred miles on horseback over Missouri. In 1837 he visited New Orleans and the South and travelled in all some six thousand miles.

But, however infrequent his visits among his constituents in general may have been, they knew his course very well and took care to return him always. Bay writes that "it was well known that near the expiration of his senatorial term, no Democratic candidate for the legislature could be elected without a pledge to vote for his re-election. This pledge was exacted upon all occasions, and a refusal to give it was death to the aspirant for legislative honors."

The ultimate reasons for all this are not easy to detail at length, but Mr. Lloyd is doubtless right when he says that Benton was "the very impersonation of the genius of the West, [and] . . . knew better than any one who preceded him its needs, its capabilities, and its destinies." Bay, too, who lived in public life during Benton's latter years, writes that "his popularity proceeded from his zeal and activity in originating and carrying measures calculated to promote the welfare and interests of the immigrant and settler." It was, moreover, doubtless gratifying to the people of what was then a border State to have a Senator of so much importance, and Benton was beyond question an admirable representative. The interests of his State were always sedulously watched by him, and but few members of any legislative body have existed more likely to succeed in carrying a measure.

One striking instance in point may be cited of a matter of vast interest to the Missourians in 1836, what is known in their history as the Platte purchase. At that time, in the northwestern corner of the State, their western line was an astronomical one, running north and south, far to the east of the Missouri River. They were desirous of extending westward, so as to make that river

their boundary-line in this quarter, but there was the very serious difficulty to be encountered in Congress of securing the removal of the Indians, and further that the extension violated the Missouri Compromise line by making slave territory of a large area north of the line of 36° 30′. Yet Benton and Linn secured necessary legislation from Congress, apparently without great difficulty. Men who can accomplish results of this kind are not soon cast aside.

So far as the records show, he had little or no trouble to be re-elected until his defeat in 1851, and he received on most occasions twice as many votes as his opponents or even more. He thought the Bank of the United States tried to defeat him in 1832, but in the actual vote that year he received forty-six votes to twelve for his competitor. There were, however, now and then ambitious leaders who tried to unhorse him, and in a private letter of 1849 he wrote to a friend, with a Bentonian touch of arrogance, that "when Strother disclosed his plan (moved from Calhoun) to overthrow me near twenty years ago, to Billy Kinney,* Kinney told him that he had seen many persons attack Benton, and he had seen them all fall dead at his feet. That was his fate. We will see what will be the fate of the present assailants." And some years earlier, in 1843, he wrote a friend "many have attempted [to put me down] in the last twenty-five years, without much success. It will be seen whether this attempt will be more successful."

About the time of this last letter, he and others were engaged in founding the *Missourian,* because of dissatisfaction with the course of *The Reporter,* which had been unsound on currency questions and had moreover in 1842 published "two or three columns against the dictator"—of course meaning Benton,—though it had in his opinion not dared to attack him openly. It was at this time that

* The name is difficult to decipher.

his course as to Texas, and soon as to Oregon, too, was beginning to tell against him, and his election in 1844 was by no means a foregone conclusion. Indeed, it was probably a very hard contest, and Buchanan, a capable judge, evidently feared in 1844 that the hue and cry against him might result in his overthrow. There were two Senators to be elected, owing to Linn's death, and two Democrats were chosen, but Atchison had one hundred and one votes, while Benton received but seventy-four.

In the years following this election the opposition to him steadily increased. His course as to the question of slavery in the new territories did not suit the constituency of a slave State, the people of which were then tending more and more to take their position side by side with the South in the alignment for a great struggle; while he would not budge an inch from his course and looked upon the Democratic party as passing into the control of the "nullifiers and disunionists." "Accidents and events," he wrote some years later in his pamphlet on the Dred Scott case, "have given this party a strange preeminence. Under Jackson's administration proclaimed for treason; since at the head of the government and the Democratic party. The death of Harrison and the accession of Tyler was their first great lift; the election of Mr. Pierce was their culminating point;" and again he wrote of the "Democratic party now headed by nullifiers and gorged with renegades."

To this cause must be added that Benton made many enemies where a cooler head would have done otherwise. Probably he could not understand honest opposition to his views, and he certainly would not brook it, and in many instances by his overbearing roughness he made enemies of those who had been his friends for years. So overbearing was he, so impatient of even question, so convinced that it was for him to rule and others to obey implicitly, that Hon. J. H. Birch, whose father saw the

whole struggle and had been a friend but became a bitter enemy, sums up the contest which resulted in Benton's defeat by saying that "he forced his enemies to conspire to kill him, that they might live."

The opinion has already been expressed that the Missouri resolutions, which were presented by Benton in the Senate on January 20, 1845, upon the subject of Texas, were possibly not drawn exactly as he would have wished, but he was able to obey them. Two years later (February 15, 1847) resolutions * were passed by the General Assembly of Missouri, which, it may probably be assumed, he had suggested. These insisted upon the strict maintenance of the Missouri Compromise line and in particular of the eighth section thereof, which prohibited slavery in the remaining federal territory, north of the line of 36° 30′; and instructed the Senators to vote accordingly. But far different was the case with the resolutions upon the general subject of slavery, which were adopted by the General Assembly on March 10, 1849, and which are known as "the Jackson-Napton Resolutions." †

* These resolutions do not seem to have been presented in the Senate, but are quoted by Benton in his Jefferson City speech and are to be found in the volume of statutes at large of Missouri.

† MISSOURI RESOLUTIONS ON SLAVERY

Read in Senate, Thursday, January 3, 1850 (C. G., 31st Cong., 1st Sess., pp. 97, 98).

"*Resolved, by the General Assembly of the State of Missouri,* 1st. That the Federal Constitution was the result of a compromise between the conflicting interests of the States which formed it, and in no part of that instrument is to be found any delegation of power to Congress to legislate on the subject of slavery, excepting some special provisions having in view the prospective abolition of the African slave trade and for the recovery of fugitive slaves. Any attempt, therefore, on the part of Congress to legislate on the subject so as to affect the institution of slavery in the States, in the District of Columbia, or in the Territories, is, to say the least, a violation of the principle upon which that instrument was founded.

"2d. That the territories acquired by the blood and treasure of

These were the culmination of the gathering storm against him, are supposed to have been drawn by Judge William B. Napton, and were doubtless designedly so formulated as to embarass Benton. Denying in words what he was well known to maintain,—the power of Congress to forbid slavery in any territory,—they promised hearty co-operation with the other slave States in measures for protection against Northern fanaticism, and then

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the whole nation ought to be governed for the common benefit of the citizens of all the States; and any organization of the territorial governments excluding the citizens of any part of the Union from removing to such territories with their property would be an exercise of power by Congress inconsistent with the spirit upon which our federal compact was based, insulting to the sovereignty and dignity of the States thus affected, calculated to alienate one portion of the Union from another, and tending ultimately to disunion.

"3d. That this General Assembly regard the conduct of the Northern States on the subject of slavery as releasing the slave-holding States from all further adherence to the basis of compromise fixed on by the act of Congress of the 6th of March, 1820, even if such act ever did impose any obligation upon the slave-holding States, and authorizes them to insist on their rights under the Constitution; but, for the sake of harmony and for the preservation of our Federal Union, they will still sanction the application of the principle of the Missouri compromise to the recent territorial acquisitions, if by such concession future aggression upon the equal rights of the States may be arrested and the spirit of antislavery fanaticism be extinguished.

"4th. The right to prohibit slavery in any territory belongs exclusively to the people thereof, and can only be exercised by them in forming their constitution for a State government, or in their sovereign capacity as an independent State.

"5th. That in the event of the passage of any act conflicting with the principles herein expressed, Missouri will be found in hearty co-operation with the slave-holding States in such measures as may be deemed necessary for our mutual protection against the encroachments of Northern fanaticism.

"6th. That our Senators in Congress be instructed, and our Representatives be requested, to act in conformity with the foregoing resolutions."

capped the climax by instructing the Senators to act in conformity with them.

Benton was warned by Blair in the end of January of what was going on, and replied, "I have not written a word to Missouri, but I have been perfectly aware of the plot against myself and friends. It was all directed from this place, and is only a new form of an old work. . . . I was disappointed in not being able to get out [among his enemies] last fall. I knew what was intended and that my presence was necessary, but I was engaged to the last moment in closing sales of estates in Kentucky and Virginia." He seems to have taken no hand in the efforts made by his friends in Missouri to defeat the resolutions, and they were passed on March 10, 1849.

When these resolutions were presented by Atchison in the Senate at the next session, Benton at once said that they did not represent the real opinion in Missouri, but long before this he had declared open war on them. He is said to have pronounced at once upon their passage in truly Bentonian diction that they were "the speckled progeny of a vile conjunction," and redolent with lurking treason to the Union: and on May 9 he was in St. Louis and published a letter in which he speaks of the resolutions and the instructions to obey them, and then goes on, "From this command I appeal to the people of Missouri, —the whole body of the people,—and if they confirm the instructions, I shall give them an opportunity to find a Senator to carry their wishes into effect, as I cannot do anything to dissolve this Union, or to array one-half of it against the other. . . . It is a question above party, and goes to the whole people."

There then began a campaign which Colonel Switzler, who was close to the events of the day, writes of as an extraordinary one "resulting in an upheaval of the political forces of the State and characterized by a bitterness of invective and popular excitement without parallel in

the history of Missouri." Benton first spoke on May 26, at Jefferson City, and travelled far and wide over the State. His opening speech, and a later one at Fayette on September 1, have been preserved and seem to show that his object was to have the resolutions withdrawn in some way,—there was no legislature to be elected at this time,—while his enemies united against him in what he called a "concerted wolf-howl of 'obey or resign.'"

He denounced the resolutions as "false in their facts, incendiary in their temper, disunion in their object, nullification in their essence, high treason in their remedy, and usurpation in their character," and added—with an evident reference to the supposed author of the resolutions—that if any man in Missouri should act under the fourth and fifth resolutions, "he will be subject to be hung under the laws of the United States, and if a judge, will deserve to be hung." He maintained, as was beyond question in the main true, that the Missouri resolutions were but a copy of those introduced by Calhoun into the Senate on February 19, 1847, and which he had denounced as firebrand, and insisted that the whole contest against him in Missouri was instigated by Calhoun and his friends. He then reviewed at great length and with much severity Calhoun's career, especially as to Nullification, and what he called Nullification No. 2, by which he meant the proceedings at the Southern meetings of the winter of 1849, resulting in the Southern Address, and warned his hearers against "the nullification sect—that fungus of all parties, and cancer upon the Democratic party, into the body of which it is now eating, and which it will destroy if not cut out."

Insisting that there was real danger to the Union abroad in the country, he reviewed at some length the proceedings at the Southern meetings, quoting also many Southern disunion toasts of the recent Fourth of July, and maintained that there was no real reason for this, and

that the North had been entirely fair to the South and had no design to interfere with slavery. How, but by the aid of Northern votes, he asked, are we to get the legislation for the transcontinental railroad—"the prayer of every good man in Missouri"—to unite San Francisco, St. Louis, and the East?

Fayette was looked upon by him as the hot-bed of his enemies, so he began his speech there by saying with extraordinary emphasis on the last two words, "My friends—and in that term I comprehend those who come to hear the truth and to believe it—*none others,*" and a foot-note tells us that it was notorious that a body of armed men were in the house, insulting him for the first quarter of an hour. To these he referred as carrying knives for his benefit "and revolvers prepared to give me six, out of the half dozen, bullets they contain."

And in his opening speech at Jefferson City, in the slave State of Missouri, at a time when the public pulse was running high on this particular subject, he did not hesitate to announce himself as at heart an opponent of slavery and opposed to extending it to any region where it did not already exist. Making what he called a "personal exposition" of his views, he detailed his actions upon the subject and his opinions since reading Tucker's "Blackstone" as a law-student, and showed as clearly as was possible that he was to be counted upon as sure to oppose generally the extension of slavery into the new territories. "As there is none in New Mexico or California [referring to slavery] I am against sending it to those territories, and could not vote for such a measure."

If, as is probably the case, Benton had hoped to be able to have the Jackson-Napton resolutions recalled at a special session of the legislature in the fall of 1849, he must have felt compelled to abandon this purpose after the election; indeed, on September 25, Foote wrote Calhoun that he had information from all parts of Missouri assuring

him of Benton's certain defeat. The resolutions were presented in the Senate by Atchison on January 3, 1850.

In the following summer (August, 1850) the legislature was elected which was to choose Benton's successor. It met in regular session in November, and in January (1851) proceeded to choose a Senator. There was a bitter struggle, but on January 22, 1851, after twelve days, Henry S. Geyer, a prominent Whig lawyer of St. Louis, who was later one of the counsel for Dred Scott, was chosen on the fortieth ballot. His election was brought about by some Democrats, both supporters and opponents of Benton, giving way and uniting with the Whigs. Geyer had eighty votes and Benton fifty-five, while other candidates received twenty-two.

But the contest was by no means over and for years the State was torn with bitter feuds, and the two divisions of the Democrats came to be known as "Benton" and "anti-Benton." Originally, it seems they were called "Test" and "anti-Test," according as they would or would not admit the orthodoxy of the Jackson-Napton resolutions, while the names "Hards" and "Softs"—having reference to the sort of currency they were supposed to believe in—were also used. For some years, a large part of the time of the legislature was taken up with these quarrels, and but little actual work could be accomplished, while Benton's friends made determined but vain efforts to *expunge* the resolutions from the journals. In 1855, when Atchison came up for re-election, the vote was divided between him, Benton, and Doniphan, in the proportions respectively of about fifty-six, forty, and fifty-nine votes; but there was no election, and that legislature was unable at any time to make a choice.

Finally, the next assembly, in 1856–57, dropped Atchison and elected Green (anti-Benton) in his place and filled the place of Geyer (who had died) with Trusten Polk (anti-Benton). This was shortly after Benton's de-

feat in his campaign for the governorship, and may be regarded as his last political struggle; he received but thirty-three votes against Green's eighty-nine, and twenty-three against Polk's one hundred and one.*

The bill for a transcontinental railroad, which it has been shown that Benton introduced and urged at this his last session in the Senate, was not the first instance of his interest in steam-transportation by land. But he had, at the same time, by no means taken kindly to the new method at first, and it was probably a long series of years before he became reconciled. He had indeed passed the plastic age, when railroads came to be adopted, and all his thoughts were fixed in grooves which assumed water transportation as the only means for the transfer of freight of great bulk.

His youth and early manhood had seen the commercial relations of his section almost entirely governed by the great water-courses, and all his and his people's interests and affections were bound up with the region to the south of them to which their great rivers led. Even the route by the Ohio and then to the seaboard across the Alleghenies presented almost insuperable barriers to the

* For the general history of events in Missouri during Benton's time, I have relied on Colonel Switzler's History of Missouri, p. 265, etc.; Davis and Durrie's Missouri, pp. 92, 104, 138, 141; and Lucien Carr's Missouri, p. 227. Colonel Switzler has also written me reminiscences of Benton. Senator Elkins's speech is in Benton Statue Proceedings, pp. 135–139. Mr. Lloyd's in ibid., p. 57; and J. H. Birch's, in ibid., p. 13. W. V. N. Bay's account of Benton is in his Bench and Bar, p. 7, etc. Benton's letter of appeal from the Missouri Resolutions is in Niles's Register (May 23, 1844), vol. lxxv., p. 332, and see ibid. for June 20, 1849, pp. 390, 397, for a synopsis of Benton's speech at Jefferson City. His journey of 1836 is referred to by him in C. G., 25th Cong., 2d Sess., p. 43, and that of 1839 in Niles's Register (November 23, 1839), vol. lvii., p. 207, and in a private letter. For Benton's account of the Platte purchase see View, i., pp. 626, 627. For Foote's letter to Calhoun, see Calhoun's Correspondence, p. 1204.

transfer of heavy articles, and Benton for many years adhered to the conclusions of his earlier life that the natural and necessary relation of the Mississippi Valley was with the South. And, as public men are always strictly held to the alleged virtues of consistency, he was ridiculed in his latter years for being an earnest advocate of a system which he had by no means always been friendly to. Few men past early youth accept readily such stupendous changes, and in this case there was the additional element that the result would undoubtedly be to unhinge the past and bring about a closer relationship with the East and New England, which Benton disliked and distrusted.

Probably, his early feeling is well shown by what he said in 1830 during the debate on Foot's resolution:

"As to the idea," he said, "of sending the products of the West across the Alleghenies, it is the conception of insanity itself! No railroad or canal will ever carry them, not even if they do it gratis. One transshipment [or "carry"], and there would have to be several, would exceed the expense of transportation to New Orleans, to say nothing of the up-stream work of getting to the canal or railway. . . . No, sir, the West is not going to give up their steamboats—their ships, not of the desert, but of noble rivers. They are not going to abandon the Mississippi, *mare nostrum*—our *sea*—for the comfort of scaling the Allegheny Mountains with hogsheads of tobacco, barrels of whiskey, pork, and flour, bales of hemp, and coops of chickens and turkeys on their backs."

But in no long course of years his mind had entirely abandoned any such ideas as these and had pretty well grasped the enormous effect to be worked by the new agency. It is probable that his change of view was largely brought about by his interest in Oregon and the far West; but, in addition to this, some of the great schemers of the day as to railroads were visitors at his house, among whom may be mentioned "Central-America Stephens," the traveller and persistent advocate of the Panama Railroad. Benton had also in his younger days looked upon the Rocky Mountains as our "everlasting

boundary. Along the back of this ridge," he had said in an Oregon debate in 1825, "the western limit of this republic should be drawn, and the statue of the fabled god Terminus should be raised upon its highest peak, never to be thrown down," but this belief also was left behind within two decades, as railroads spread and grew.

That he was mistaken in these beliefs of his earlier years does not need to be said, but conditions had so changed that the problem was utterly different, and it is to the credit of his capacity as a statesman that he was able so to change and grow after middle life. At no time is he to be found indulging in such mere folly as was exhibited by Josiah Quincy at the time of the Louisiana purchase or by McDuffie as to Oregon. The former has been already quoted, and the latter thought in 1843 that Oregon was only fit for a Botany Bay settlement, and said "for agricultural purposes I would not . . . give a pinch of snuff for the whole territory. I wish to God we did not own it."

Far different was the case with Benton, who could grow up to quite new conditions and even openly express his admiration for the favorable results flowing from a policy he had opposed. Thus, in 1849, though he had persistently opposed the Mexican War and our consequent acquisition of territory, yet he fully appreciated the vastly important results flowing to us therefrom, and said on one of his transcontinental railroad bills, "We own the country from sea to sea—from the Atlantic to the Pacific —and upon a breadth equal to the length of the Mississippi—and embracing the whole temperate zone. Three thousand miles across, and half that breadth, is the magnificent parallelogram of our domain."

I do not know when Benton first began to see railroads in their true light, but by 1844 he fully appreciated the stupendous effect they were destined to have on civilization. and in October of that year said in St. Louis:

"I say the man is alive, full grown, and is listening to what I say (without believing it perhaps) who will yet see the Asiatic commerce traversing the North Pacific Ocean—entering the Oregon River—climbing the western slope of the Rocky Mountains—issuing from its gorges—and spreading its fertilizing streams over our wide-extended Union! The steamboat and the steam-car have not exhausted all their wonders. They have not yet even found their amplest and most appropriate theatres—the tranquil surface of the North Pacific Ocean, and the vast inclined plains which spread east and west from the base of the Rocky Mountains. The magic boat and the flying car are not yet seen upon this ocean and this plain, but they will be seen there; and St. Louis is yet to find herself as near to Canton as she now is to London, with a better and safer route, by land and sea, to China and Japan, than she now has to France and Great Britain."

From this time on to the end of his public career his interest in the subject never flagged, and during each one of his last three sessions in the Senate, and once in the House, he introduced and pressed bills for a transcontinental railroad. He fought hotly against proposed land-grants to individuals or companies for the purpose—characterizing a committee plan of the kind in 1846 as absurd, ridiculous, and impudent—and long thought the road should be built by the government out of the proceeds of land-sales in the newly acquired territories and its use then be leased out.

In his measure of December, 1850, he proposed that a strip of ground one hundred miles wide from San Francisco to St. Louis with branches of half that width to Santa Fé and to Oregon, should be set aside and the Indian title thereto extinguished, and one mile in width of this strip was to be reserved for the road-beds. The plan included an ordinary highway (to be built at once) and a telegraphic line, as well as a railroad; and donations of one hundred and sixty acres were to be made to heads of families settling on the route. He took much interest at about this time, too, in some experiments making by Dr. Charles G. Page as to the practicability of

using electro-magnetic power as a means of locomotion, and moved and carried an appropriation of twenty thousand dollars to aid in experiments, and in 1848–49 he advocated the use of the proposed Panama Railroad as a temporary means of getting to Oregon and supported the policy of the government making a ten-year contract with it.

But in his latest proposal in the House he had abandoned all idea of the government's building the road, and seems to have had a company of individuals ready to undertake the work, to whom was to be ceded a right of way one mile wide on either side of the railroad and "no other grant, no alternate sections." He expected the road to be built by way of St. Louis and specified in December, 1850, that it was "to begin and to end between the parallels of 38° and 39° of north latitude, and, with slight deflections, to follow these latitudes from the Mississippi to the Pacific." The great width of a mile which he provided for the right of way became a subject of ridicule with his opponents, while he explained that his purpose was to provide for the future by leaving ample space for other roads and other possible methods of travel.

Doubtless, his plans were influenced by local pride and the desire to advance the interests of his own section, and possibly this led in part to his violent opposition to the Asa Whitney plans of 1846 and 1848 for an enormous land-grant to enable him to build a railroad from Lake Michigan to the Pacific. Benton always spoke of the line he himself advocated as "a great central national highway," and in a letter of November 14, 1853, to the citizens of Missouri, he wrote that "a sectional road, partly through Mexico, and over a country in which Kit Carson says a wolf could not make his living, seems to have become the fixed determination of the South," and he later maintained in his pamphlet on the Dred Scott Case that their object in this was that, in the event of a

separation of the States, the railroad should be within the limits of "the United States South." It has been charged that his interest in the subject ended when it was learned that the best route did not lead to St. Louis, but he never ceased working at it while in public position.

During his service in the House, he had visited New England and other parts of the East in order to interest capitalists in the subject, and delivered a number of lectures. In Boston, he said, "For this purpose I come here, and go elsewhere, at much inconvenience to myself and great cost of personal feeling—oppressed as I am with occupation, and saddened with the weight of recent and heavy affliction [the death of his wife]. But for this cause, I could become (if circumstances permitted) a Peter the Hermit, traversing the country and preaching a crusade,—not of arms against the infidel,—but of work upon an enterprise beneficial to the human race." This was at about the time when he introduced his last bill upon the subject into the House during the session of 1854–55, which he urged with all his power and in the discussion of which he showed a wonderfully complete knowledge for the day of the immense unsettled region to be traversed.

Doubtless, his interest in the subject had been spurred on by a desire to save his waning political fortunes, and his enemies seem to have feared its effect and aimed to stop it. At the time of the Pacific Railroad Convention, held in St. Louis in October, 1849, Foote was asked and intended to be present and oppose Benton's scheme. Foote urged Calhoun also to attend, writing that "it would be a great thing to overthrow him at home and blow up his humbug project, in presence of his own constituents." Benton, on his side, was quite aware of the intended opposition, and wrote to some one at this same time from St. Louis that "Calhoun is at work here through his agents to defeat my plan of a road; perhaps, there will be an explosion before I get through with them."

It was, I think, at this convention that Benton first distinctly formulated that striking expression—"There is the East, there is India"—which excited much criticism at the time but which a later day has inscribed on his statue as an imperishable record of his greatness. It was but an extension of the ideas of his articles as far back as 1819 on the trade of the East, and in more than one earlier speech he came very near to saying the same thing. Several times repeated in slightly varying forms in Congress, with the "Debates" recording that he always pointed at the time to the *West,* it was, moreover often said by him on the stump, and Senator Vest "heard him at a little town on the Missouri River, standing with his right arm extended, declare with the air and tones of an ancient prophet 'There is the East; there is the road to India.'"

At the St. Louis Pacific Railroad Convention he was loudly called for on the second day, and "took the stand amidst the most rapturous applause." There was not unnaturally an undercurrent of bitter rivalry among members as to the line on which the road should be built, and I think it was this which to some extent led to the selection of Douglas as chairman in the hope of keeping him and the Chicago route from gaining too great prominence on the floor. Benton also in a certain sense tried to steer clear of the question of the route and to urge only the building of a railroad, but his speech was at bottom the strongest appeal for the St. Louis line between latitudes 38° and 39°. He wrought the assemblage up to the highest pitch of enthusiasm and was again greeted with great applause, as he closed by saying:

"Let us rise to the grandeur of the occasion. Let us complete the grand design of Columbus by putting Europe and Asia into communication, and that to our advantage, through the heart of our country. Let us give to his ships, converted into cars, a continued course unknown to all former times. Let us make the iron road,

and make it from sea to sea—States and individuals making it east of the Mississippi, the nation making it west. Let us now in this convention rise above everything sectional, personal, local. Let us beseech the National Legislature to build the great road upon the great national line which unites Europe and Asia—San Francisco at one end, St. Louis in the middle, the national metropolis and great commercial emporium at the other; and which shall be adorned with its crowning honor—the colossal statue of the great Columbus—whose design it accomplishes, hewn from a granite mass of a peak of the Rocky Mountains, overlooking the road—the mountain itself a pedestal and the statue a part of the mountain—pointing with outstretched arm to the western horizon, and saying to the flying passengers 'There is the East, there is India.'" *

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* The main authorities for the statements in the text as to Benton's relation to railroads are as follows: C. D., vol. i., 1824–25, p. 712; vol. vi., 1829–30, p. 116. C. G., 29th Cong., 1st Sess., p. 1171; 30th Cong., 1st Sess., p. 1011; 30th Cong., 2d Sess., pp. 49, 399, 470–474, 625; 31st Cong., 1st Sess., pp. 1111, 1112, 1554; 31st Cong., 2d Sess., pp. 56–58; 33d Cong., 2d Sess., appendix, pp. 73–82. Benton's speech of 1844 in St. Louis is reprinted in part in H. H. Bancroft's Oregon, i., p. 510, from the Oregon *Spectator* of September 17, 1846. The proceedings of the St. Louis Pacific Railroad Convention will be found in the Missouri *Republican* of October 16, 1849, and subsequent days. Benton's speech is printed in the paper of the 17th, and what I have reproduced is also to be found in Gen. F. P. Blair, Jr.'s, Address. His letter of November 14, 1853, to the Citizens of Missouri on The Pacific Railroad was sent me by his son-in-law, Colonel Richard T. Jacob. I do not know where it was printed. His address in Boston was delivered in Tremont Temple to the Mercantile Library Association. Copies of this and some other like speeches are in the Philadelphia Library. His speech "We own the country from sea to sea," etc., is in C. G., 30th Cong., 2d Sess., p. 473. McDuffie's blast against Oregon is in C. G., 27th Cong., 3d Sess., p. 200. Senator Vest's speech is in Benton Statue Proceedings, p. 90. Calhoun's Correspondence, pp. 1204, 1205, for Foote's letter; and for Benton's letter on the same subject see letter of October 14, 1849, in collections of Historical Society of Pennsylvania. John F. Darby's Personal Recollections, p. 181, etc. Mrs. Frémont's Souvenirs of My Times, p. 61.

CHAPTER XXII

ELECTED TO THE HOUSE OF REPRESENTATIVES — HIS COURSE AS A MEMBER—THE KANSAS-NEBRASKA BILL AND REPEAL OF THE MISSOURI COMPROMISE—SQUATTER SOVEREIGNTY—OPPOSES THE GADSDEN PURCHASE —DEFEATED FOR RE-ELECTION

BEING out of the Senate and thus unable to work in the way he had long been accustomed to, Benton did not by any means cease activity or give up his political labors. On the contrary, he worked hard at the "Thirty Years' View;" but, as he wrote to Hannibal Hamlin in 1851 "this does not interfere with other works—the redemption of the State of Missouri from the Whigs and nullifiers, and the presidential election." * This particular letter was written with a view to securing the nomination of Levi Woodbury for the presidency in 1852, and doubtless is to be looked upon as merely one surviving witness to a ceaseless purpose on the part of its writer to keep in close touch with public affairs.

I have not found other actual evidence of his doings in politics, but the next year (1852) he was elected to the House of Representatives by the Democrats of his faction in the First Missouri District, of which St. Louis formed a part. According to the *St. Louis Republican* (Whig) he nominated himself for this office, after the other faction (which of course took to itself the name *Democratic*) had nominated a Mr. Bogy. There was also a Whig candidate, Samuel Caruthers, in the field.

* Letter dated Washington, June 16, 1851, of which a copy was kindly sent me by Gordon Woodbury, Esq., of Manchester, New Hampshire.

Dyer tells a story of this campaign which should be repeated here, though it seems to me an unlikely one, as it is told, for Benton had throughout his life refused to take part in those joint-debates on the stump which the story presupposes. It is said that in this instance the opposing candidate (there is nothing to show which one) was narrating some stories derogatory to Benton's character for honesty, whereupon the latter advanced upon him, glaring fiercely, and, shaking his fist in his face, said aloud, "You lie, sir! You lie, sir! I cram the lie down your throat, sir." It was of course supposed that there would be a duel, but the opposing candidate merely turned pale and went on with his speech. The Missouri auditory, the story goes on, had no respect for a person so devoid as this of what they called "game-blood," almost turned their backs on him, and Benton had matters his own way during the rest of the canvass.

He was elected by a plurality of nearly six hundred votes, and enormously distanced his Democratic competitor, the nearly complete vote being given by the *Republican* as Benton 7844, Bogy 2072, and Caruthers 7260. It was maintained by some that a great many Whigs voted for Benton, but this was emphatically denied by the *Republican*. On August 5 this Whig paper summed up as follows its opinion of the canvass: "Such a contest has never been witnessed in the United States, and Colonel Benton has the right to claim as great a coup d'état as Louis Napoleon. . . . He has gained a triumph and won a position by means and under circumstances that we did not think any portion of the American people were capable of submitting to, and to which no other population than that of this city and district would have submitted. . . . He started out with a determination to browbeat, bully, and lash his opponents, more particularly those in his own party, and indulged in the most unusual language of vituperation, abuse, and denunciation."

In the House of Representatives, Benton was treated with the greatest respect, was assigned to the chairmanship of the Committee on Military Affairs, which he had so long held in the Senate, and was evidently much looked up to as one of the fathers, members often gathering around in front of him when he rose to speak; but, generally speaking, his career during his one term of service in the House was not as active, I think, as had been the case in the Senate. Possibly, the endless struggle for ordinary legislation had become a little wearisome to him with advancing years and he was actively at work on the "Thirty Years' View," and at the same time so deeply interested in plans for a railroad to the Pacific that a speech was read for him by a colleague at the second session during his absence in New England on a lecturing trip in the interest of these plans. I know of no other instance of this kind during his career. He had had himself excused also from the chairmanships of the committees on Military Affairs and on the Library, to which he had been appointed, on the ground that it would be extremely inconvenient for him to serve, and I cannot but suppose that this also was owing to his interest in matters outside the halls of Congress. It may be surmised, too, that he, who was used to making long speeches, found the rules of the House to limit debate very irksome. Still he made elaborate arguments on two matters of the greatest moment.

His chief speech, and the one which impressed itself on all those who served with him at the time, was made at the first session in regard to the famous Kansas-Nebraska bill. This measure, with its repeal of the Missouri Compromise, aroused his bitter indignation. He and his State had been born into public life with and almost by that measure, and, though he admitted as a lawyer the technical right of Congress to repeal it, yet he looked upon it as something almost sacred and in morals far removed

from any real right of abrogation by a subsequent statute.

Compromise in general he was rather fond of ridiculing as being "so pleasing to men of gentle nature," but the compromises which the fathers had written into the Constitution in 1787, the Missouri Compromise, and a few other like measures of ancient date, were in a high degree sacred to him. A few years later, he wrote in his Dred Scott pamphlet in regard to the Missouri Compromise that "such a measure may appear on the statute-book as a mere Act of Congress, and lawyers may plead its repealability, but to one who was contemporary with the event, and saw the sacrifice of feeling or prejudice which was made, and the loss of popularity incurred, and how great was the danger of the country from which it saved us, it becomes a national compact, founded on consideration higher than money, and which good faith and the harmony and stability of the Union deserved to be cherished next after the Constitution."

The proposed repeal was, moreover, so suddenly taken up by leading Democrats and the administration, and then pressed so strongly by them as a party measure, that Benton's wrath was aroused at the evident effort to drive it through with whip and spur. When Douglas had introduced the Nebraska bill in question—it being the ninth effort to pass such a measure—not a word was in the bill itself of any such intended repeal, though his report argued the question: and it was only later that all those in authority came to clamor for the immediate passage of the Kansas-Nebraska bill, with the repeal of the Missouri Compromise, which it by that time contained.

The measure passed the Senate after a struggle and came to the House, and there through adroit parliamentary tactics was forced through without any proper debate. Benton did succeed in making two speeches on the subject, —part of one of them after the utmost difficulty and only

after a long parliamentary wrangle made by friends of his, —but the measure was never half considered; and there was no sufficient opportunity for him and the others who had the boldness to come out openly and angrily against the measure, to instil their courage into the weak-kneed who were in reality anxious to vote against it but did not dare to against the prevailing hue and cry of party.

Benton thought the bill could have been beaten, and wrote in his Dred Scott pamphlet, "There was spirit in the House, and if a few of us could have had a chance at the bill it would have been smashed into atoms and the country roused to a knowledge of the meditated crimes. But there was no chance." The previous question and other rules intended to allow a majority to carry its measures were the means by which this deplorable statute became a law.

In his main speech Benton denounced and ridiculed the doctrine of squatter sovereignty, which the bill was intended to establish,* insisting that "the territories are the children of the States. They are minors under twenty-one years of age; and it is the business of the States, through their delegations in Congress to take care of these minors until they are of age." Pointing out the repeated instances in which Congress had driven off squatters as "disorderly persons," and exercised other like acts of absolute authority, he reminded his hearers that the territory of Indiana had on several occasions petitioned Congress for a temporary suspension of the clause in the Ordinance of 1787 to prohibit slavery, but had uniformly been refused, and then he exclaimed, "Oh, squatter sovereignty! Where were you then? . . . Well do I remem-

* "It being the true intent and meaning of this act not to legislate slavery into any State or Territory, nor to exclude it therefrom; but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States."

ber the day when it was first shown * in the Senate. . . . It was in 1848, and was received as nonsense—as the essence of nonsense—as the quintessence of nonsense—as the five-times distilled essence of political nonsensicality."

Looking, as he did, upon the great measure of 1820 as a statute of peace, he foresaw very clearly that its repeal would open wide the flood-gates of contest over the slavery question at every step, and he warned Congress of this and told the South that neither Kansas nor Nebraska would ever be a slave State, even were the measure carried. But his principal arraignment of the bill was on account of its "crooked, insidious, and pusillanimous way of effecting the repeal of the Missouri Compromise line," and the "bungling attempt to smuggle slavery" into all the Territories by the trick of extending the Constitution over them, so as to claim that, as the Constitution recognized slavery, the inhabitants

"may admit it, because it is to be there by the Constitution; they cannot exclude it, because the Constitution puts it there. That is the argument; and it is a juggle worthy of the trick of one egg under three hats at the same time—and under neither at any time. . . . I object," he said further, "to this shilly-shally, willy-won'ty, don'ty-can'ty style of legislation. It is not legislative. It is not parliamentary. It is not manly. It is not womanly. . . . Three dogmas now afflict the land, *videlicet,* squatter sovereignty, non-intervention, and no power in Congress to legislate upon slavery in Territories. And this bill asserts the whole three, and beautifully illustrates the whole three, by knocking one on the head with the other, and trampling each under foot in its turn. . . . It is a see-saw bill, but not the innocent see-saw which children play on a plank stuck through a fence, but the up and down game of politicians, played at the expense of the peace and harmony of the Union, and to the sacrifice of all business in Congress. It is an amphibological bill, stuffed with monstrosities, hobbled with contradictions, and Badgered † with a proviso.

* See foot-note, *ante,* p. 373.

† Alluding to the proviso moved by Badger in the Senate and enacting that the laws relating to slavery prior to 1820 should not be revived by the act.

"Amphibology is a cause for the rejection of bills, not only by Congress, but by the President when carried to him for his approval. General Jackson rejected one for that cause. . . . And now what is the excuse for all this disturbance of the country; this breaking up of ancient compromises; arraying one-half of the Union against the other, and destroying the temper and business of Congress? What is the excuse for all this turmoil and mischief? We are told it is to keep the question of slavery out of Congress! To keep slavery out of Congress! Great God! It was out of Congress! completely, entirely, and forever out of Congress, unless Congress dragged it in by breaking down the sacred laws which settled it. The question was settled, and done with. There was not an inch square of territory in the Union on which it could be raised without a breach of a compromise." *

This speech was made subject to the hour-rule, and the Speaker's gavel fell long before it was completed. Wentworth then arose and asked leave for Benton to go on, but objection was made, and a long and dogged parliamentary wrangle began, while Wentworth appealed in vain that "the oldest man in Congress, a man who was here when the Missouri Compromise was adopted" might be heard. Wentworth maintains that this right had always been allowed by courtesy to John Quincy Adams, but it was only after a prolonged contest and by dint of moving some trifling amendment that a *right* to go on was secured for Benton. Many years afterwards, as appears by a note quoted by Wentworth, Israel Washburn still remembered the scene vividly and that the Speaker's gavel fell as Benton was beginning a new paragraph with the words "amphibology, sir," and that after the long wrangle, he began once more with the same words.

At the close of the speech, there was a rush to congratulate him, but Wentworth tells us that "his voice drowned that of all others in denouncing nullification, secession, Calhounism, and a base conspiracy against the freedom of speech;" and on the way home he kept this

* C. G., 33d Cong., 1st Sess., appendix, pp. 557–561. See also 33d Cong., 1st Sess., pp. 986–989; 1232, 1233.

up steadily, glorying loudly in his own success. The same writer adds, too, that when Benton went to Chicago in the spring of 1857 to deliver a lecture before the Young Men's Association, he said, "When I am gathered to my narrow home, I desire that my friends shall deeply engrave on my tombstone 'He voted against the abrogation of the Missouri Compromise and gloried in the deed,'" and in the "Thirty Years' View" he not only wrote of the lamentable consequences of the repeal, but predicted that the historian of the future might have to find in that measure the cause of the dissolution of the Union.*

This speech on the Kansas-Nebraska bill was, in Wentworth's opinion, the only one of any political significance that Benton made in the House; but he made at least one other leading speech † on a very important measure, the underlying inducement to which was his mistrust of the ultimate intentions of the South. The House was called upon at the first session to appropriate ten million dollars to carry out the Gadsden purchase, and Benton tried hard but utterly unavailingly to defeat it. One of the purposes of this purchase was to secure a Southern route for a Pacific railroad; and Benton, who was strongly in favor of what he called the "central national" line, between the parallels of 38° and 39°, was naturally opposed to the measure from the start on this ground, and came later to believe that the main design in the plan was to build a railroad which would necessarily inure to the benefit of the South in the event of a separation. He believed, too, that Gadsden had been authorized to offer fifty million dollars to Mexico for a vastly larger tract and suspected to be true the current rumor that Soulé was to offer two hundred and fifty million dollars or some like sum for Cuba.

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* View, ii., pp. 143, 715.

† C. G., 33d Cong., 1st Sess., pp. 1031–1037.

Within a few years, also, as appears from his Dred Scott pamphlet, he suspected designs to buy other outlying possessions and was most strongly opposed to any such plan. Indeed, some years before, during the interminable disputes over the results of the Mexican war, he had expressed the opinion that "the American republic had no way of establishing a government over a province until it is incorporated within the Union. Spare me, he repeated, from the exhibition; . . . he would also desire that they might be spared from being presented to the world in the attitude of conquerors legislating about a subjugated province, and altering the law of nations by statute." *

Benton's course in the House as to the Pacific Railroad has been gone into elsewhere, and need not be mentioned further. Homestead bills were introduced into both Senate and House at the first session, and Benton voted for the House bill but does not seem to have taken any active part on the subject. And at the second session he seems to have taken even less part than at the first and to have made no speech of length or importance.

It was at the second session that he had a speech read for him against a proposition to repeal the clause of the

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* C. G., 29th Cong., 2d Sess., p. 42. Compare the opinion of John Quincy Adams, who wrote in his Diary (vol. xii., p. 57), on June 16, 1844, of a call by Daniel D. Barnard to take leave and of a long conversation had with him. "This Texas annexation," he goes on, "we deem the turning-point of a revolution which transforms the North American Confederation into a conquering and warlike nation. Aggrandizement will be its passion and its policy. A military government, a large army, a costly navy, distant colonies, and associate islands in every sea, will follow of course in rapid succession. A President for four years will be a laughing-stock. A Captain-General for life, and a Marshal's truncheon for a sceptre, will establish the law of arms for the Constitution, and the skeleton forms of war and slavery will stalk unbridled over the land. Blessed God, deliver us from this fate!"

Kansas-Nebraska Act which repealed the Missouri Compromise, on the grounds that it could not pass and would only further disquiet the settlers in Kansas. And he also opposed the suggestion contained in this same proposition to refuse to admit Kansas as a slave State. He held that this would deprive her of the right she was entitled to to settle that subject for herself—a right inherent in State sovereignty—and then to be admitted to the Union, if she had the other requisites. And in this speech he said that, as soon as he had heard of the intention of societies in the East to send settlers to Kansas so as to control the election, he had predicted "that it would produce precisely the effect that has been seen—rouse and exasperate the people of the Missouri frontier, and lead to the scenes which have occurred. Why did I think so? Because I knew something of human nature, and that foreign interference is a thing which it will not endure."

Late in this his last session he found occasion once more to oppose a pending bill for bounty lands to soldiers on the ground he had so often urged, that its provisions would lead to endless cheating of both them and the government, and it is characteristic of his sense of public duty that he was on this occasion at his station in the House for the purpose of opposing this bill, though the ruins of his house in Washington were at the moment still smouldering after the fire which had the day before burned it to the ground with many valuable papers, including a large mass of manuscript of his "Thirty Years' View." And it is also characteristic of this most tenacious man that his last act in the House—the last thing he ever did on earth as a member of a law-making body—was to protest against being counted as a member of the House after midnight of March 3, 1855, in accordance with the belief he had acquired early in his career from Macon and others, but which, whether for good or for ill, had long been left behind in the development of our public law.

Benton had thus been elected to the House as a Democrat, but had again found himself constrained by a sense of public duty to put himself in opposition to the party which had elected him, on what was by far the chief measure of the period. In this instance again, there is on his part no sign of hesitation or of a qualm of fear, and he even went far beyond the actual need of the subject and denounced in bitter language the intended measure and its advocates. He had indeed already fully taken his stand in the opposing ranks that were semiconsciously aligning for the approaching struggle, and no earthly power could budge him from his position.

Greatly as we must admire the splendid courage shown by him, the circumstances were such that it was quite inevitable that he should be crushed and cast aside, as Missouri for the time being tended more and more towards that general union with the South, which was so natural a course for her to follow. Accordingly, when election-day came around again in 1854 the returns showed a complete change from those of two years ago, and there was a plurality of very nearly one thousand against Benton in St. Louis alone, and probably a small plurality against him outside the city as well. Samuel Caruthers had been again nominated against him by the Whigs, but was later substituted by Luther M. Kennett, while Trusten Polk was the candidate of the anti-Bentonite portion of the Democracy. The vote in the city was given in the *Republican* of August 11 as Kennett 6275, Benton 5297, and Polk 378.

It is not entirely clear why the anti-Benton vote was so small, but probably many of that party voted for the Whig candidate. The "antis" had evidently gained greatly in strength in two years, and on the 19th the same paper estimated that the legislature would consist on joint ballot of sixty Democrats, forty Bentonites, and sixty-two Whigs. An eye-witness of the scenes of that

time, who was an opponent of Benton, has told me what a proud sight he was, before the election, walking down the street with a superb strut and hat set a little to one side, while after the event he wore his hat quite straight and was a man of very different mien. Benton seems never to have borne defeat with much philosophy, and doubtless his pride was fearfully humbled to see himself thus so soon thrown out of the House again and his power in Missouri fast ebbing away. No one could fail to see that his star was about to set.

CHAPTER XXIII

CHARACTER AND GENERAL TENDENCIES

BENTON'S public life was now about ended, and he was never again to occupy either a legislative or any other office in the gift of the people. One embittered campaign did still lie ahead of him, but it soon closed in crushing defeat, and even his persistence could then find no breach in the lines of his enemies. Here, then, when his record as a public man is about made up, will be a good place to stop and consider his character.

In the first place there is universal agreement that his private life was most exemplary. In a day when high stakes and deep drinking were very usual among public men and sadly marred the careers of many of his greatest contemporaries, he was absolutely devoid of these vices. He was, usually, too, very pure and chaste in thought and words; but, when angered, used most emphatic language and indulged in not a little profanity.

The special characteristic of his home life, which all observers noted, was his family tenderness. He was the most devoted of husbands and of fathers. He used to say of himself that he was "a house lamb and a street lion," and his devotion and tenderness to his wife and children are emphasized by opponents, as well as friends. Mrs. Benton had a slight stroke of paralysis in 1844, and during her slow failure from that time until her death in 1854, he wrote of himself that he "was never known to go to any place of festivity or amusement," and others tell how large a share of his leisure time during all these years was devoted to attending upon her. Bay wrote that

he had repeatedly seen him, in order "to enable her to enjoy the society of her friends, . . . take her in his arms like a child and carry her to the parlor and back again to her room."

Several other authorities speak of his knightly tenderness to her, like that of a young lover, one correspondent of the author particularizing that "it was a sight worth going to church to see him enter the church with his wife on his arm, walking up the aisle and placing her in the pew." She is said to have been a woman of great force of character, as well as amiable, was a strict Presbyterian, bred up among the Puritans of Rockbridge, and had her many intimates distinctly understand that she did not receive visitors on Sunday. Nathaniel Macon, who knew her in her earlier married years in Washington, when she went a good deal into society, said that she and Mrs. Washington were "two of the women who were not altered by a residence at the seat of government."

To his children and grandchildren Benton was most tender, and they were devoted to him. Even John Quincy Adams, who greatly disliked and disapproved of Benton, writes * of being almost disarmed by the affection shown by him to his children. It was his regular custom to give daily instruction to them, and these lessons were rarely, if ever, subject to intermission; even in trying moments of public duties the necessary time was somehow found, and a correspondent has written me of a long journey made by steamboat in 1835, in company with Benton and his family, and that Benton would gather his children around him every morning in the ladies' cabin and have them recite a lesson in French, saying that it was his pleasure and duty to instruct them himself.

He was a large man, about six feet tall, and very robust and muscular. Stately in movement, with a very

* Diary, x., p. 257.

large head, the strongest features and fine physique, no one could see him without feeling that here was a man far above the ordinary, and visitors in the Senate constantly asked who that particular member was. Bay wrote that "his personal appearance was the most commanding of any man I ever met. At first glance, a stranger would say that he was born to command."

A distinguished judge of Missouri used to tell a story of how, when he was a boy and living in a part of the country where Benton was unknown, he met one day in the road a large man on a fine horse, and was so impressed with the personal appearance and dignity of the horseman that he went home and told his mother he had met the President of the United States, while in reality the stranger turned out to be the Senator from Missouri. Nor was Benton at all unconscious of these advantages, but probably took steps to set them off. One informant says that he always walked along the street with martial and stately tread, slowly and majestically, while another describes his walk as a strut, and adds that, when his attention was called to one side in any way, he would not turn his head to the inquiry, but would with measured motion swing his whole body around on his heels so as to face in the desired direction. Some of his portraits, too, seem to exhibit study and attitude.

Another informant saw Benton taking his daily ride in the streets of Washington mounted on a black horse, probably with a young granddaughter as companion; and the whole scene left the impression that he greatly liked thus to go out and show himself on the streets in stately dignity. This daily or frequent ride in the public view was one of the last things he gave up.

He is said by his son-in-law to have been in the habit of arising as early as four o'clock throughout the year, and had himself regularly scrubbed or curried down by his body-servant with the roughest kind of a horse-

hair brush. Dyer says that this was done down to the hips in the morning, as a portion of a daily bath, while in the afternoon the like treatment was accorded to his person from the hips to the feet. So hard was the brush used that Benton would grimly assure wondering friends that they would cry murder, if barely touched with the implement, and when they shook their heads and asked why he did it, his reply was "The Roman gladiators did it, sir." It is said by Poore that he always wore the high black silk neck-stock and double-breasted frock-coat of his youthful days, varying the material with the season but never the fashion in which they were cut.

The family home in Washington during at least his last ten years of life was on C Street, and is said by Mrs. Frémont to have had spacious rooms, and in the rear a large garden with a profusion of green things growing. Upstairs was the library, in which Benton worked, and which Keyes describes as a plain room with bare walls and furniture of the plainest description, the table without a cover. Here he was in the habit of studying and writing during the working-hours, when at home, while in the evening all the family, including the children, gathered in the drawing-room for rest and recreation, and all vexatious subjects were excluded.

In St. Louis, Benton seems always to have stayed with Colonel J. B. Brant, who had married his niece and whose house was at the northeast corner of Fourth Street and Washington Avenue, and later apparently on the north side of Walnut Street between Fifth and Sixth. There in a sunny house he sought the open air all the time, and his daughter says "he never breathed indoor air when he could be, head uncovered, in a bath of sunshine." Ordinarily, the family dinner-table was enlivened by bright and free conversation in which the father took the lead; but now and then, when oppressed by some important debate in the Senate, he would become absent-minded, and

on one such occasion General Frémont writes that he entirely forgot his duty to carve for the family and sat abstractedly chewing the cork of a claret-bottle, until he was called to earth, when he said, "Child, don't ask me to carve anything, until this Ashburton treaty is settled."

He was not fond of general society and probably indulged in its distractions only so much as he was compelled to, unless during his early days in Washington. Absolutely devoid of personal magnetism, and indeed austere, reserved, and distant, general society could not well be agreeable to him, but in his own house or at a small dinner with a few friends the case was very different. On such occasions, Bay says that he was "the life and spirit of the party . . . and one of the most interesting men" he ever saw. All accounts agree that his manners in his own house were delightful, and that he was kind and considerate to all, and Colonel Switzler, a political enemy, has written me that "in his rooms at hotels and at his own home he was as polite and affable as any man in public life."

There was in him a vein of unfailing gentleness to women, which showed itself in many ways and was truly expressed in his calling himself a house lamb. On one occasion, Mrs. Frémont writes, one of his daughters grew impatient over some trouble in tuning her guitar, when the father looked up from his table covered with books and work, and said "Bring it to me." Then with a lightness of touch and a skill which amazed his children he tuned it and tried a few chords.

The sight of "father playing the guitar" brought an outcry from the youngest, but the elder children had some vague feeling of the memories of long ago running in his mind, as he said, "I often tuned their guitar for my sisters and sang with them. You," he went on to one of them, "are like the youngest." Of these long gone sisters

his children had rarely, if ever, heard, though they knew many a story of the boys.

Like all men of his cast, Benton seems to have had his own way in his family and was doubtless a little of a tyrant. Thus his son-in-law says that he observed that, when Benton wanted a thing done in a particular way, it would usually be done in that way. He himself had experiences of the kind, in which suggestions of some change were quietly and pleasantly brushed aside; and he tells of another case in point. Once, one of the grandchildren had a beautiful head of hair, to the delight of its mother; but Benton thought it good for the hair to be clipped short, so one day without a word all those beautiful locks were shorn off, to the daughter's great disgust.

Staying once with his son-in-law, as the time for departure approached, the son-in-law wrote to the mail steamer for a berth and told Benton he had done so; but the Senator had a habit in this matter which was not to be broken in upon for such a trifle as a stateroom, and merely said, "I always take the first boat, sir." And, when they went down to the landing for him to start, he insisted upon hailing two small boats in succession which chanced to pass before the mail steamer, and would undoubtedly have gone off on either one of them, in accordance with his habit of taking the first boat, only they both ignored the hail and then the mail-boat came along.

At the same time he was by no means fond of certain of the inconveniences of travel and when there was a lack of room at some hotel, he announced that "Benton sleeps in the same bed with no man," and told a younger member of the party that he could take one of the mattresses off the bed and sleep on the floor. Other habits in travelling were also strong, and he always stopped at the same hotel. Once, when approaching a place and asked what hotel he would go to, his friend, who was a Whig,

was surprised at his naming one kept by a Whig and proposed another instead, saying it was Democratic; to which Benton replied "D—n it, sir, do you think I take my politics in my belly?"

He seems to have been generally supposed to have little reverence for the Christian religion, but Bay says there was no foundation for this report, and adds that during his long years in the Senate, he always had a pew in church—generally the Presbyterian—and attended service very regularly himself, as well as requiring the like attendance of his family. Polk's "Diary," too, shows that Polk frequently saw Benton at the same church which he himself attended.

One conspicuous point in his character was his unwillingness to stand imposition of any kind, and a story is told by Bay and others of how some sharp showman, having found a horse with unusually long and shaggy hair, advertised widely for exhibition a "woolly horse caught in a wild state on the plains by General Frémont. Admission twenty-five cents." The showman was reaping a rich harvest, but Benton, whose house was near by, was highly indignant and published a card in the newspapers, denouncing it as a gross imposition. And when the crowds still came to see the marvel, he got out a warrant against the showman and had him arrested for a criminal offence and thus succeeded in stopping the fraud.

There were many qualities contributing to make Benton the man he was. Endowed with splendid health, apparently at all times except for a short period during early manhood, I have not even come across any hint of his ever being sick, until his last mortal illness. The flecks of blood from his throat, which we are told by his daughter constantly followed long speaking, may have been some indication of a lurking weakness, but after youth this never found expression in any serious way, and his long career called upon him time and again for the

hardest and most continuous work under conditions of confinement and in the bad air of crowded rooms.

His strength endured, too, until near the end, and as an old man he made campaigns which but few young ones are capable of. He was to some extent conscious of this, and Colonel Switzler has written me that, when once publicly asked his age, the answer he gave was "chronologically Benton is about sixty-eight; but, if Benton's country or Benton's friends want anything done, Benton is forty-five." Another chief element in his make-up, probably the chief one of all, was his immense boldness; he seems hardly to have known what fear was, and was always ready and anxious to face enemies and bear them down by some far more fierce attack than they had ventured to make on him. Again, his deep love of country and firm conviction that the people of whom he was one had before them a most brilliant destiny, had a profound influence upon his career at every step. But these subjects will be referred to more at length later.

Next should be mentioned his life-long thirst after knowledge from any and every source. By no means always from books, but by a thousand observations and comparisons of his own and by profound thought from these, and then by seeking facts for further mental pabulum from every conceivable source. Hunters and trappers, scouts, wild half-breeds, Indian chiefs, Jesuit missionaries, army officers back from the plains, were all eagerly sought by him and contributed those facts which made his vast knowledge of unsettled America; and the like was the case as to almost every other subject of information. Mrs. Frémont has referred to the various characters brought to her father's house by his interest in the Panama Railroad and the surveys for railroads to the Pacific, and says that she had heard highly interesting conversations at their interviews in which efforts were made to solve the character of the vast unsettled area by

philosophical deductions like that which led Jefferson to propose the expedition of Lewis and Clark—his conclusion that where so great a water-system as that of the Missouri flowed to the eastward of the vast snow-capped Rockies, some other great river would certainly be found to drain the westward slope.

In these conversations, too, was probably brought out the idea which Benton says that he and Humboldt had independently made—that buffaloes were the best civil engineers. The observation had its chief bearing on the vital question of where to find the lowest and easiest mountain passes, and more recent observation seems only to have varied it to the extent of saying that the deer and elk precede the buffalo. Bay, too, writes that once in St. Louis he found Benton "closeted with the celebrated Kit Carson, who, in the midst of maps and charts, was explaining to him the character and location of what he considered the most desirable route between Independence and Santa Fé. Upon another occasion, he introduced to us Collins, the great explorer and guide of the Indian country, whom he had invited to his house in Washington, and during an hour we spent with them, the subject of conversation was confined to the topography and character of the plains and Pacific slope."

There can be no doubt that Benton was unable by mental constitution to grasp and follow long trains of abstract thought, rather despising, for example, Calhoun's wonderful architectural skill in this branch, yet there was no department of knowledge touching the actual life of his fellow-men upon which he did not seek and get facts and consequent knowledge. Riding one day near Washington, he saw some laborers engaged apparently in burying something in the ground at regular intervals, and found by inquiry that they were planting corn. Then, when he asked what it was they were burying with it, he learned that they were putting two herring-heads in the

ground with each grain for the purpose, they told him, of making it come up. Some further questions brought out that it only grew at best to a very moderate height and was gathered in baskets.

The knowledge of the comparative infertility of these older regions was then used by him in the Senate in a debate on a Land Bill to point his "conviction that the country truly rich, truly independent, truly fitted for the production of republicans, is the country in which provisions are produced in the greatest abundance, a country in which, as in the vast and magnificent valley of the Mississippi, there is neither count nor weight nor measure for anything that is given to man or beast to eat. In such a country, the animal spirits run high, . . . and it is certainly the duty of a wise and paternal government to aid their removal to it" by making easy the acquisition of land.*

When to his health and this thirst after knowledge is added the immense gift of a wonderful memory, which was Benton's in the very highest degree, the possessor needs but a few other qualities to become a man of mark: and an obituary notice of him hardly exaggerated when it said that "with a readiness which was often surprising, he could quote from a Roman law or a Greek philosopher, from Virgil's Georgics, The Arabian Nights, Herodotus, or Sancho Panza, from the sacred prophets, the German reformers, or Adam Smith; from Fénelon or Hudibras, from the financial reports of Necker or the doings of the Council of Trent; from the debates on the adoption of the Constitution or from the intrigues of a kitchen cabinet, or from some forgotten speech of a deceased member of Congress."

I have mentioned his acquirement of the French language at St. Louis, and of Spanish at Washington during

* C. D., vol. ii., part 1, 1825–26, p. 731.

the time when Missouri was awaiting admission into the Union: and to this must be added that his son-in-law writes that the family said he had at about this same time taken regular lessons in Latin and Greek, and during his career he often showed more knowledge of these languages than he can well have gained in his early education.

He always wanted to know the actual facts about a matter, and Wentworth says that one of his favorite expressions was "What are the facts? . . . Give us the facts;" while Webster said * that he knew more political facts than any other man he ever met—even more than John Quincy Adams—and possessed a wonderful fund of general knowledge. The former authority adds that it was a frequent custom of Benton's, "when a Senator made a mistake as to any historical fact or manifested any desire to become acquainted with any matter which he did not thoroughly understand, of calling a boy to him, sending him to the library for a book containing the information, finding the page, and sending it to the Senator with his compliments." And Harvey mentions a similar case in his Anecdotes of Webster.

During the debates on Oregon, Webster was about to speak and wanted to secure a book, as to which his recollection was very indistinct, to illustrate some point. After ransacking his own memory and sounding in vain the lore of librarians, he was about to give up in despair, when it occurred to him to ask Benton. The latter thought a moment and said he would try and find it: and, when Webster came back to the Senate in about an hour, there upon his desk not only was the very book, but the leaf was turned down at the particular page he had been seeking for, Benton having been able to divine

* Mr. Dockery in Benton Statue Proceedings, p. 10, and other authorities.

exactly for what it was wanted, though nothing had been said as to the purpose.

His memory was so well known that it is evident at times that members were a little afraid to differ with him. In the Oregon debate, Cass quoted the story of Mrs. Masham and the cup of tea spilled upon her silken gown, and referred to it as having tended to produce war, but Benton in reply called attention to the blunder, and reminded the Senate that the effect had been directly the opposite. Cass then, acknowledging the error, tried to excuse himself by saying that Benton had probably refreshed his memory over night, but the latter interjected "I have not looked at it for forty years." *

In another instance Archer introduced a map as new, but Benton at once pointed out the terrible error that it was as old as 1750 and utterly unreliable for the purpose for which it was used, and in the famous "battle of the maps," as it was called, when a well-known map disappeared from the Foreign Office in London during the Ashburton negotiation, Benton referred in debate "to the King's map, with the Utrecht line upon it, as well as the Maine boundary line upon it (all written in the old King's own hand)," and spoke of a British member of Parliament's having said that it had a strong red line where we said the Maine boundary was, marked in King George's handwriting "This is Oswald's line;" and then went on that, when that map should reappear, on it "will be found another strong red line about the tenth of an inch wide, in another place, with these words written on it "Boundaries between the British and French possessions in America as fixed by the treaty of Utrecht." And a few years later he read in the Senate in confirmation of this statement an extract from a recent letter in our Department of State from Everett to Webster, in which

* C. G., 29th Cong., 1st Sess., pp. 583, 589.

the former spoke of having seen Oswald's map on which the boundary between the British and French possessions in America "as fixed by the treaty of Utrecht" was marked by a very distinct line at least a tenth of an inch broad.*

In no respect was his memory more marked than in his geographical knowledge. Always a subject of particular interest to him, he had a remarkable knowledge of the geography of the world and many a time described the minute relations of some part of his own country or a foreign one, with an accuracy which few can equal. In 1850, during the debates on the Compromise Measures, when a member was basing an argument on a map of Humboldt's, Benton interrupted to ask where the map was published, and, when the answer came, asked if the boundaries of New Mexico were not marked by dotted lines, and said, "I am just as well acquainted with them [the dotted lines in question] as with the path from the Capitol to my house." Then, without even looking at the map, he mentioned some other marks on it and told from just what source Humboldt had derived it.†

And his son-in-law wrote me that, when coming back from California in 1847 he met Benton for the first time, the latter at once entered on a long conversation about the great West, and adds, "What impressed me greatly, and afterwards some thirty or so of intelligent mountain men who afterwards were in Washington on the court martial of Colonel Frémont, was his wonderful knowledge of that great region between the Mississippi River and the Pacific Ocean. We would often say to each other 'Why, he knows more than we who have travelled over it.'" He seems to have had, too, the faculty to foresee at what geographical points vast aggregations of men would later

* C. G., 29th Cong., 1st Sess., pp. 855, 914. C. G., 31st Cong., 1st Sess., p. 1766.

† C. G., 31st Cong., 1st Sess., appendix, pp. 1265, 1266.

be found, and Colonel Switzler has written me that in a speech at Boonville, while discussing the Pacific Railroad, Benton predicted that there would eventually be built at the mouth of the Kaw River (where Kansas City now is) one of the great cities of the Union.

His knowledge of trade and commerce in the broad sense was very wide, and he had the most liberal and original views in regard to it. Of course, his speeches on the salt tax and other such questions were carefully prepared for the occasion, but he had a vast fund of stored knowledge upon all branches of trade, which often served him in good stead. Nor did trade mean to him merely the profit to be put in the pocket of some one or more of his particular constituents, but he fully appreciated its vast influence upon national development and in the spread of civilization; and it may be safely said that this view was usually the one predominant in his mind. Nowhere is this more plainly shown than in his life-long effort to secure for America the trade of the Indies and his appreciation of the influence thus to be exerted by us on the Japanese, the Chinese, and other backward peoples.

He was generally in close accord with the growth of popular opinion as to human rights and favored the amelioration of the harsh laws of earlier times in more than one instance. In the Tennessee Senate as early as 1809 he voted in favor of the abolition of imprisonment for debt, upon the honest surrender by the debtor of his property,* and in the Senate on January 17, 1825, was one of a minority to vote for its abolition in general. And again on February 12, 1849, he expressed himself as strongly in favor of abolishing flogging in the navy.

But he was far from merely swimming with the tide, and strongly opposed for example the growing extension of bankruptcy laws. Voluntary bankruptcy in particular

* C. G., 27th Cong., 2d Sess., appendix, p. 89.

he disapproved of and insisted that the young should not be suffered to say in contracting a debt "The law stands ready to release me from it, whenever I choose to throw it down." He seems to have had, too, a very sound perception in advance as to the impression which a proposed course of political action would have upon the public.

This served him in good stead in many of the political battles of his day, and one instance is very striking and serves to show, too, that he appreciated that the masses have a far more sound sense than some give them credit for. In 1832, when there was warm rivalry to succeed Jackson, some of the leading candidates, who were members of the Senate, got up a plan to ruin Van Buren by rejecting his nomination as minister to England on the ground of alleged unpatriotic action. This was largely fathered by Calhoun, who was so convinced of its success that, when the rejection was carried, he was heard to say, "It will kill him dead, sir, kill him dead, sir; he will never kick, sir, never kick."

Benton, on the contrary, appreciated from the inception of the movement that the masses would understand that the rejection was merely a design of jealous rivals to ruin an opponent, and was so clear in this view that he did not even oppose the measure and was quite willing to see the rebuff given. He says that, when the rejection was carried, he leaned over to a member near by and said, "You have broken a minister and elected a Vice-President:" * and in a little over a year Van Buren was elected to that office.

It has been said already in the account of Benton's early years that he was throughout life vain and egotistical, and the stories are legion which are told of this characteristic in his make-up. Nor does he seem to have been unconscious of the tendency; indeed, when some one

* View, i., pp. 214–220.

referred to it, his reply was, "So I have been informed, but I speak of what I know to be the truth, while others cloak their remarks about themselves in a mock humility and hypocrisy." Another version of this story has it that his answer was, "Sir, the difference between these little fellows and myself is just this: "I *have* an Ego, and they have not."

He undoubtedly belonged to that class who think they know more and are wiser than others. Thus, a story is told by Keyes of a slight and modest Jerseyman who called to explain his invention of a salt-boiler, but got no further than the first words, for Benton at once took up the subject, gave him a dissertation of an hour's length upon salt from the days of Lot's wife to modern times and then bowed him out with a "Good-morning, sir," which frightened out of his head any thoughts he may have had.

And the narrator of this story tells an experience of his own, which serves further to illustrate the supreme and domineering way in which Benton at times took the upper hand with his visitors. Coming to Washington from California, where he had become a believer in Benton's hard-money theories, Keyes called on Benton and explained how admirably the theory worked on the Pacific slope, and then went on to explain his conversion, and added that he had sworn in his own heart never to take another bank-note.

All this was well enough, but, when he continued that upon landing recently in New York and driving home in a hack, he had handed the driver a five-dollar gold-piece and allowed him to hand back a three-dollar bill in change, Keyes writes that "Old Bullion's countenance underwent a change and with an air and voice that would have suited a Caliph of Bagdad he rebuked me—'Young man,' said he, 'you were wrong to take the three-dollar note—you had no right to barter your principles. The

paper you received was probably without intrinsic value. Such notes pass from hand to hand like other counters of gamblers and are not intended to be redeemed. They enrich knaves, sir, and rob the industrious. Better return to your California teachings.' A little more in the same strain and I left, feeling as though I had been tossed by a bull."

Benton thought, too, that the country in general appreciated him at his own estimate. He very often referred to himself in the third person as "Benton"—which Mr. Birch says he pronounced "Baneton"—and his death-bed autobiography speaks of the long list of measures of which he was the author as being "known throughout the length and breadth of the land—repeated with the familiarity of household words from the great cities on the seaboard to the lonely cabins on the frontier—and studied by the little boys who feel an honorable ambition beginning to stir within their bosoms, and a laudable desire to know something of the history of their country." And another instance of like staggering egotism is told by Dyer.

When the "Thirty Years' View" was about to come out, the publishers sent some one to consult with him as to the number of copies it would be advisable to print, but the answer was, "Sir, they can ascertain from the last census how many persons there are in the United States who can read, sir," and no other suggestion would he make. He was always convinced, too, that he had torn an opponent to tatters in debate, and a story is told how, during the debates on the Compromise Measures of 1850, after he had kept the Senate in a roar of laughter for a long time at Clay's expense by his story of the old and young Dr. Townsend's Sarsaparilla, he hurried to join some members ahead of him, as they left Congress, and delightedly exclaimed "Didn't I give Clay h-ll?"

On one occasion, it is said he was asked how he was

coming out in one of his later campaigns, and his reply was, "I shall crush my enemies as an elephant crushes piss-ants under his tread." And again on being told after a speech that he had evidently made an impression on the people, "Always the case, always the case, sir," was the reply. "Nobody opposes Benton but a few black-jack prairie lawyers; these are the only opponents of Benton. Benton and the people, Benton and Democracy are one and the same, sir; synonymous terms, sir; synonymous terms, sir."

Again it is said that one day he had intended to answer a speech of Calhoun, but hearing that Calhoun was prostrated by illness and could not be present, he announced: "Benton will not speak to-day, for when God Almighty lays his hands on a man, Benton takes his off." His hatred of Calhoun in his latter years was almost boundless, and in one of his speeches to a great crowd, "Citizens," he is said to have declaimed, "no man since the days of Cicero has been abused as has Benton. What Cicero was to Catiline, the Roman conspirator, Benton has been to John Catiline Calhoun, the South Carolina nullifier.

"Cicero fulminating his philippics against Catiline in the Roman forum; Benton denouncing Calhoun on the floor of the American Senate. Cicero against Catiline—Benton against Calhoun."

This story was given me by Colonel Switzler, but it ought to be added that in his Fayette speech on September 1, 1849, Benton denied what was apparently a story then current, that he had called Calhoun Catiline, and said he "could not be so unjust to the brave Roman conspirator as to compare the cowardly American plotter to him." And in his Jefferson City speech in his same appeal campaign he gave what he called a schedule of Calhoun's effects and stock in trade, one item of which read "the bones of three thousand followers strewed along my politi-

cal path since the first commencement of nullification and disunion in 1830."

He was, moreover, often outrageously personal in his criticisms and in references to his opponents. Thus, in some speech in 1849, he was reading the names of members of the Missouri legislature and making comments on them, and, when he came to those beginning with "D," he stopped and said he smelled a nullifier. A member named "Davies" was present—having come to hear some one else dressed down—and on this remark of Benton's arose at once, saying that he supposed the speaker referred to him. Benton replied, "I never called your name, sir. Turn your profile to the audience," and when Davies (as he afterwards said), like a fool, did so, Benton said, "Citizens, that is not the profile of a man; it is the profile of a dog." *

On some other occasion in his latter years he was speaking in Missouri against the enemies who were trying to defeat him for the Senate. Among these was a Judge English, of whom Benton said, "There is little Tommy English; he, too, wants Benton's seat in the United States Senate. Now," he went on, "suppose little Tommy could get it and take a seat over where Benton sat, and a distinguished foreigner should be in the gallery and ask to have Benton's seat pointed out to him, and he looked at—— He would involuntarily say, 'What thing is that in Benton's seat?'" And John M. Palmer heard him say of another aspirant for his seat in the Senate, "As well might a tumble-bug aspire to fill the seat of an elephant."

The same writer adds that he described one of his enemies as the "man whose patronymic signifies the

* This story was told me by Hon. Isaac H. Sturgeon, for many years Comptroller of the city of St. Louis. He writes that he heard Colonel Davies himself tell the story and laugh at it.

smallest particle of bread," and another named Lamb as one "whose name calls to mind an infant sheep," and Colonel Switzler adds that this latter characterization was brought out in a public speech. Palmer says that he and his friend said good-bye to Benton, as the steamboat went off and just as he delivered a terrible philippic against his enemies, saying, "The history of the world shows two crops of antis—Anti-Benton and Anti-Christ," and adds that, as they returned to Alton, they concluded that no one had a better right to be an egotist than Benton had.

He rarely or never used the gentle powers of persuasion with halting friends, but would, on the contrary, try to bear them down with an avalanche of abuse. Probably Mr. Birch is right in saying that he had few or no confidants and recognized but two conditions in life, that of leader and that of follower. Convinced of his own fitness to rule, he demanded that others should obey and permitted little or no dissent or criticism. Bay thinks he might have succeeded in his appeal campaign, had he been a little yielding, and tells one instance out of many in which his implacable manners made an enemy of one who might easily have continued a friend.

While he was making a speech in the court-house, this friend sent a slip of paper up to the rostrum, asking him to give his views on the Wilmot proviso, but Benton wrongfully looked upon the request as an act of hostility and indignantly flung the paper from him, and thus made an enemy of an influential Democrat. Senator Vest tells of another case in point. On the occasion of some speech by Benton in Missouri, a highly respectable and cultivated citizen, who was an undoubted Democrat and had been a supporter in the main for twenty-five years, came up after the speech to shake hands. But he had been guilty of expressing disapproval of Benton's course as to Mexico, so the proffered hand was neglected, and Benton

simply looked him over from head to foot without a sign of recognition. When then the gentlemen bowed and mentioned his name, saying to Benton that possibly he had forgotten him, the latter drew himself up to his full height and said in tones that could be heard in every part of the building, "Sir, Benton once knew a man by that name, but he is dead; yes, sir, he is dead."

Still another instance has been given me by Colonel Switzler. A Colonel Aycock, whom Benton knew and who was an admirer and unwavering friend, ventured during a speech by Benton to a crowded and excited meeting upon the experiment of rising to ask a question but failed inadvertently to take off his hat. The question is said to have been both pertinent and respectful, but Benton scowled upon him, and said in a loud and angry voice, "Who is this man, citizens, who dares to stop Benton in a speech?" And when a dozen voices answered, "Aycock, Colonel Aycock," Benton went on, "Aycock? No, citizens, no; not a *cock,* but a *hen,* rather. Take off your hat, sir, and take your seat," and then he went on with his speech.

When his attention was once called to the published statement of a distinguished opponent, his remark was, "Send him word that Benton says he lied from the bottom of his belly to the root of his tongue, and from the root of it out to the tip." Again, in 1852, one E. C. Blackburn, a candidate for the State legislature, having said at some meeting that Benton was a "free-soiler," and Benton being told one evening that Blackburn was in the audience, he called out in his speech to know whether there was a man named Blackburn in the crowd. When Blackburn replied affirmatively, Benton asked whether it was true that he had called him a free-soiler. Blackburn hesitated in giving a direct answer, but Benton repeated the question, spelling "free-soiler" out letter by letter; and Blackburn then answering affirmatively, Ben-

ton said, " Citizens, this man Blackburn has no heart, he only has a gizzard and he has lied upon Benton from the bottom of his gizzard to the tip end of his tongue." Blackburn was naturally much excited, but could only say, " Colonel Benton, I have no redress; you are a much older man than I am."

During the campaign on his appeal from the Missouri resolutions in 1849, Claiborne Jackson and two other leading enemies attended one of his meetings and took front seats with a view to interrupting him with questions, but the interruptions did not occur, after Benton early in his speech said, "And here are Claib. Jackson [and the others, naming them] as demure as three prostitutes at a christening."

The instances given are all or nearly all from the bitter campaigns of 1849 and later, and in estimating the weight to be accorded them as indications of Benton's character and methods in general, the reader must constantly bear in mind that these were years of unexampled passion in the politics of Missouri and that personalities of the grossest character were freely indulged in on both sides. Hon. J. H. Birch had Benton once arrested for slander in accusing him of beating his wife,* and personal encounters of the most violent sort were by no means unknown among younger men. It is said that Benton went about everywhere, vigorously cursing all who disagreed with him, and that his opponents were not much behind him in this particular.

These facts must not be forgotten in reading stories of a violence of speech which seems to-day impossible, nor in weighing the opinions of writers whose knowledge of Benton was gained exclusively in these years of stress. Thus, Colonel Switzler has written me that " His manner and methods were unlike any other political speaker of

* Letters of S. P. Chase, pp. 471, 472.

any party of whom I have knowledge. They were so unusual, dictatorial, and dramatic that the marvel is they were tolerated at all."

Colonel Switzler goes on that Benton "was always promptly on time at his speaking appointments, usually came in a carriage from his hotel, walked directly from the carriage to the rostrum without delaying on the way to talk with old acquaintances or to be introduced to new ones, and commenced his speech without introduction to his audience." He adds, too, that he always addressed his hearers as "citizens," and not by the usual title of "fellow-citizens," and thinks the reason was that he "did not recognize the Joneses, the Smiths, and the Johnsons in a popular assembly as 'fellows' of his." In regard to his manner, the same authority says that "as a popular orator, he was 'a rough-rider,' and moved his audiences by the fervency and power of argument, illustration, and invective. He wielded the force of a cyclone; was a 'steam-engine in breeches;' never indulged in poetical quotations, anecdotes, or flights of fancy."

Some other writers give a milder picture of his manner. Thus, Mrs. Maury, who knew him at an earlier date and chiefly in the Senate, writes: "In his public deportment, and especially when speaking, he has much senatorial dignity—is rarely excited; his action and gestures are expressive. . . . The habitual expression of his countenance is calm and elevated. . . . He has that gentle self-possession of manner which is so usual in those who are conscious of superior strength." Foote wrote in his latter years that Benton's "voice was to the last most harsh and untunable, his gesticulation was clumsy and ungraceful," but a more friendly authority (Senator Bradbury) wrote me that "as an orator and debater he had few superiors. He had the advantage of a good personal appearance and a good voice. His bearing was dignified with a little tendency to hauteur. His manner

was clear and emphatic. No one could make a point more impressive. . . .

"He appeared at the best advantage in executive session, when upon some national question some of the older Senators would express the wish to hear the views of the senior Senator from Missouri. He would then in the blandest and clearest manner give from his immense resources a clear and perfect view of the whole subject." The same writer adds that "he would sometimes get so excited and show so much feeling, and treat the position of his opponent with such apparent contempt as to impair the force of his speech."

In regard to his habits in the Senate, Benton said once that he always occupied the same seat there, and Wentworth tells us that his speeches were delivered very slowly so as to make every word audible. When he had a strong point, he would repeat it three times, the same author goes on, first announcing it to the President; secondly, "through you, sir, I tell the Senate," he would say, casting his eyes over the Senators to catch their attention; thirdly, "through you, sir, I tell the people of the country," casting his eyes around the gallery. Wentworth goes on that the announcement that he was to speak drew no crowds, and it is very clear that he was not a popular speaker either in the Senate or on the stump and did not attract an audience. When he was to address the public, many came to hear him as a famous man, but not because of charms of oratory, and in the Senate he was twitted by Clay with emptying the galleries. Oliver Dyer, however, who as a reporter had great opportunities to observe him, writes that he was always interesting and that "his grim wit and mocking sarcasm gave a pungent relish to his style which was exceedingly agreeable."

It cannot be doubted that he was on the whole a most effective debater, and he showed time and again a marked power of bringing out the strong points of his case. He

would drive a single point home and reiterate it time and again, when he felt that it was of great weight, and his speeches often had great effect both in the Senate and when read by the people afterwards. He had, too, a healthy sense which generally taught him in advance how any subject would appeal to the public, and probably he always had in view a far wider audience than the few Senators whom he was addressing.

At the same time, it cannot be doubted that he reiterated too much, and his speeches were too long; he would often bear upon a subject after it was exhausted, and weary his hearers over matters they could not see the importance of. Gales and Seaton refused to publish certain of his speeches in the "Debates," alleging their length as the reason, and Webster once showed at least his own feeling when he wrote his wife that they hoped that day to finish the land-bill, "if Mr. Benton should not wear us all out by an endless speech—which he threatens to do." Harriet Martineau also refers to him as "the one interminable speaker." * Many of his speeches as published in the "Debates" are of such length that a collection would fill a vast number of volumes.

But even some of the longest are intensely interesting and will amply repay careful reading. Thus, his great speech on the Oregon question, which covers fifteen pages (forty-five columns) of the large *Congressional Globe,* and from which I have quoted parts, cannot be read without advantage, for its author was pouring out his long-

* Retrospect of Western Travel, i., pp. 179, 180. Miss Martineau's judgment is in other respects so ludicrously erroneous as to be worthy of reproduction. "Near them," she says, "sate Colonel Benton, a temporary people's man, remarkable chiefly for his pomposity. He sate swelling amid his piles of papers and books, looking like a being designed by nature to be a good-humored barber or innkeeper but forced by fate to make himself a mock-heroic Senator."

reasoned thoughts upon subjects of vast importance and difficulty which he had been pondering for years. His speeches as published seem, too, to be shorter than they actually were, for Dyer, who reported him as a young man, says he would often ramble on in a discursive way for hours, "dealing blows at every head he could find," and make a speech that would fill from six to ten columns; but, after it was written out and submitted to him, would ruthlessly cut out extraneous matter and often reduce it to two or three columns, to the great distress of an impecunious reporter paid by the column. In one instance which has been mentioned he spoke against time to prevent the confirmation of General Kearney's nomination; and his speech actually extended over part or all of the executive sessions of thirteen days, and covered sixty-two pages of the *Congressional Globe*.

He was fond of emphasizing a point by a concrete instance to illustrate it, as in the "Granny White" story in arguing for the land-laws he advocated, and I have observed cases in which he asked questions of the Senate as to some event of recent public affairs during the course of a speech, and managed to force an answer which of course always went to show that he and his party had been right. Thus, when Webster was in his opinion conceding far too much to the British in the "Caroline" case, Benton forced the Senate apparently to say "Yes" to his allegation that the preceding Senate had fully approved of Forsyth's bolder course, and in 1836, when there was some reason to fear the doings of a French fleet on our coast, he scolded the Senate fiercely for having been the cause at the prior session of our naval unpreparedness, and forced the body apparently to admit that such was the case, and then the bill to increase the navy passed easily.*

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* C. D., vol. xii., part 1, 1835–36, pp. 427, etc. C. G., 27th Cong., 1st Sess., appendix, pp. 42–46.

Ridicule was a weapon which he used at times with effect, though generally speaking his wit was rather heavy. Thus, when some enterprising people were in 1855 asking Congress for a grant of two million acres of land in return for their laying a subterranean line of telegraph to the Pacific, Benton told the House the scheme was ridiculous. Its advocates, he said, did not live near enough to the country concerned to have heard of the digger Indians; and then he went on to say that those lynx-eyed beings would recognize at once from the ground that something was hidden and would probe to find out what was there. They lived largely on lizards which they dragged from the ground by a long stick with a hook on it, and Benton said "this wire will be a God-send to these diggers. They . . . will bless this government . . . for this liberal supply of fifteen hundred or two thousand miles of wire, every part of which they will cut into three-inch pieces and make into hooks, to hook out these lizards. . . . In that point of view, it will be a God-send to the Indians, but destruction to the lizards [great laughter]. It is no laughing business. It will be an immense accommodation to the digger Indians, but cruel upon lizards [laughter]." After having been very materially modified, the bill finally passed the House, Benton voting in the negative.

On another occasion he was at least largely the means of defeating a growing habit of unduly extending the functions of the Patent Office, which was then beginning to collect and publish agricultural statistics and to buy seeds. Benton opposed the practice with ridicule, but his speech is not preserved; the "Debates" merely record that he held up one of the packages of seeds and "in a speech full of characteristic humor, and which excited much merriment in the chamber . . . alluded to the 'flash-names,' as he styled them, labelled on the packages of seeds; spoke for instance of 'the thousand-headed cab-

bage;' humorously described the excitement which the announcement of such a wonderful plant—affording three cabbages a day throughout the entire year!—was calculated to produce on the minds of the unsuspecting farmers and their wives, and adverted, with becoming pathos, to the sad disappointment of the confiding agriculturist." The bill was recommitted with instructions to report amendments to confine the Patent Office to its proper sphere.*

If his wit was generally heavy, some of his replies to an opponent seem to me to have been excellent and to exhibit a rapier-like skill which one would hardly expect from a man of his heavy make-up. An instance in point has already been quoted in his answer to Webster's extravagant claims on behalf of Nathan Dane in the debate on Foot's resolution, and again in one of his earliest Oregon efforts, when the Senate was barely willing to listen at all and would by no means allow much time to the subject, after Dickinson had made some calculations as to the number of months necessary for any future members of Congress to go from Oregon to the Capital and back, which resulted in showing that but few days in the year would be left to remain in Washington, Benton replied merely that he "looked upon these calculations and problems as so many dashes of the gentleman's wit, and admitted that wit was an excellent article in debate, equally convenient for embellishing an argument and concealing the want of one." †

He could, moreover, often dispose very successfully of an interruption meant to mar his speech. Thus once, when Porter attempted to show from Benton's mouth that one of the precedents cited by the latter on the expunging

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* C. G., 33d Cong., 2d Sess., pp. 475–478, 503, 504. Ibid., 29th Cong., 1st Sess., p. 1044.

† C. D., vol. i., 1824–25, p. 699.

resolution was distinguishable, Benton declined to answer, saying simply that "he was too well practised in these contests to suffer his fire to be drawn until he was ready to deliver it," and only later on brought out very fairly the distinction to which Porter referred and which Benton thought immaterial. And on another occasion, when he was rather intimating that Calhoun had been concerned in filling the Union with the cry of a bankrupt treasury and Calhoun interrupted to ask whether the reference was to him, Benton replied that

"he would answer the gentleman by telling him an anecdote. It was the story of a drummer taken prisoner in the low countries by the videttes of Marshal Saxe, under circumstances which deprived him of the protection of the laws of war. About to be shot, the poor drummer plead in his defence that he was a non-combatant; he did not fight and kill people; he did nothing, he said, but beat his drum in the rear of the line. But he was answered, so much the worse; that he made other people fight, and kill one another, by driving them on with that drum of his in the rear of the line; and so he should suffer for it. Mr. Benton hoped that the story would be understood, and that it would be received by the gentleman as an answer to his question; as neither in law, politics, or war, was there any difference between what a man did by himself and did by another." *

The matters we have been considering bear rather on mere success in debate and gladiatorial capacity, but it must not be forgotten that this element is of vast importance in human affairs. To mention one instance in point from another field, how much effort has been spent to bring back to memory the bare personalities of the memorable discussion between Huxley and Bishop Wilberforce at the Oxford Meeting of 1860, and yet who knows or troubles himself about the learned arguments of the contestants. We must not think too lightly of the mere capacity to put down an opponent; but in a higher sense

* C. D., vol. xii., part 1, 1835–36, pp. 888, 891. Ibid., vol. xi., part 1, 1834–35, p. 377.

also Benton's speeches were very valuable and often full of historical and other learning.

Delving, as he generally did in important matters, to the very bottom for his facts, he would often study a subject on lines which no one else had touched, and he was never at rest until he reached the very origin. Possessing in advance a vast store of knowledge upon most questions and with a wonderful memory to bring back to him what he had learned upon them in the past from any collateral study or observation, his untiring energy, his very greed of work, his practical sense, and his capacity to marshal complicated facts enabled him often to throw light on many dark subjects.

It was he who in the debates upon the Compromise Measures of 1850 showed by an investigation of the Mexican laws upon the subject in the original Spanish that slavery had been abolished in New Mexico. Again he seems to have made an extensive examination in 1850 of the Spanish system of land-laws prevailing in California, and on many of the vast number of subjects which he discussed during his long career, he had evidently made careful studies.

As instances may be mentioned his speeches on Oregon, on the salt tax, on our land system, on the bankrupt act of 1841, in which he maintained that that statute for the first time in history authorized bankruptcy at the instance of the bankrupt; and on the fortification of our coasts in 1836, in which he gave quite a history of our legislation on that subject.* He will be constantly found going to foreign authority—of course principally, but by no means exclusively, English and French—in aid of what he had in hand.

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* C. D., vol. xii., part 1, 1835–36, p. 592. C. G., 27th Cong., 2d Sess., appendix, pp. 29–32, 123–128, 737–743. Ibid., 27th Cong., 3d Sess., pp. 38, 147.

He always brought forward a vast array of facts, and used tables of statistics most extensively,—at times prepared by his own hand,—and was fully conscious of the importance of appealing to the mind by the eye; in order to accomplish this he would often hold up and exhibit a map with a particular line traced on it in color or (as it seems in some instances) have one hung on which to show some particular point.

With all these qualities, it cannot be doubted that, when partisan feeling did not exist too strongly on his or the other side, he often carried conviction. Webster said that he always gave much light on the subjects he touched, and a striking instance is told as to Clay. In some debate in the Senate, after several days' discussion and after Clay had argued against the pending motion, Benton spoke mainly in reply to Clay and with unusual effect; and, when the vote was taken, Clay voted, to the surprise of every one, in favor of the measure. Being asked why he did so, he is said to have replied that "he couldn't help it," that Benton had convinced him the view he had taken was wrong—not so much from his reasoning as from *something* connected with the speech, but he could not explain just what.*

Instances have been mentioned already in which Benton opposed measures without a ghost of a chance of success, and this was a not infrequent procedure with him. He did not mind at all being in a very small minority and would in such cases express his opinions quite as much as when public opinion agreed with him, and aim thus in the end to succeed in carrying his views into effect. Time and again he introduced measures "without the least prospect of success" or opposed those that were "sure to pass" or introduced resolutions without having

* Darby's Personal Recollections, pp. 187, 188. Sketch in Democratic Review for July, 1858, pp. 68–70.

a thought of even asking for a vote, and not at all with the idea of wasting time or of talking a measure to death, but with the true instinct of a statesman aiming to form and educate public opinion.

He was also quite enough of a statesman to give up at times a great portion of some measure he aimed at so as to get it into such shape that halting supporters would vote with him and he could carry a part of his plan. I have come across some instances in which he indulged in "log-rolling" to a moderate extent,—as all successful public men must probably do,—as in 1850, when he secured an appropriation of seventy-five thousand dollars for a custom-house in St. Louis by uniting it with the same measure for Cincinnati, after both had been defeated separately. In his legislative capacity, as in all departments of life, he seems hardly to have known what discouragement meant and at least had no comprehension of despair under difficulties or of giving up. He would fight his battle, whether singly or in company, for years or a lifetime, and seems to have generally had some half-divine confidence that in the end public opinion would come around to his way of thinking. Plenty of instances of this persistence have appeared, but at the same time he had the horse sense at times to wait for a more favorable day, and, for instance, announced in 1837 that he would postpone his efforts as to his land measures until the new census should become operative and the West gain representation.

Benton has been charged by some with indulging in gross partisanship, but he was no more addicted to this fault than other public men. Undoubtedly, he made use at times of arguments which he personally thought of little force, and he did this of course for popular effect and to win votes; but where is the successful man in political life or in the professions who does not do so? He and they address their arguments to the jury they have to

convince, and hosts of instances could be adduced in which his greatest contemporaries appealed to the passions and prejudices of that same jury with arguments of which no one better than they knew the unsoundness.

Instances more or less in point in Benton's career are to be found in his votes on some tariff laws, and presumably some of his actions as to the annexation of Texas were largely inspired by an effort to meet the popular wish in Missouri as far as he could. Again he fully justifies Van Buren's vote in favor of engrossing the Incendiary Publications Bill, when (as Benton thinks) Calhoun had purposely made a tie for the purpose of ruining Van Buren (then Vice-President and a candidate for the presidency) by forcing him to give the casting vote. Benton's vote was cast against this bill, and he speaks of Van Buren's affirmative one "as a political vote,—that is to say, given from policy." *

It seems to me that his political morality was of a high order. If in the bank struggle and many other instances, where the game of politics dictated not a few of the minor moves on both sides, he did his share of mere partisanship, this book has been written in vain if it has not shown that, particularly when the winds blew hard, he would stick to the wheel till the final crash in his efforts to guide the ship of state in that path in which he thought alone her safety was to be found.

How easy for him to have shirked the Oregon question! How easy to have avoided—and at that very same time—the taking of so prominent a place in the disputes about the annexation of Texas and the disposal of the territory acquired from Mexico! But he did not shirk in these cases, which he thought vital to our existence, but stepped out before the public—almost solitary and alone among the people of his State—and announced in ad-

* View, i., p. 587.

vance what he thought and intended to do. And no one can dispute that he adhered to the end to the views so announced in advance.

Dyer says of him that he had grand and chivalrous ideas as to public duty and that as a Senator his country was his only client, and he never took a fee for prosecuting a claim against her nor lent his influence to help any one get into her treasury. He must have been a thorn in the side of those members who are forever pressing jobs having some visible or hidden source of profit to their friends or constituents. In numerous instances he stopped these petty thefts and evidently enjoyed laying them bare.

A practice was then growing up in both houses of purchasing books and other publications out of the contingent fund of the House concerned and of furnishing a number of copies to each member. In not a few cases, too, the profit of the publication was in one way or another to find its way into the pocket of some officer or employe of the House in question, so that, as Benton said in one instance, "upwards of half a million of dollars at the least, and possibly a million and a half, was to be given to an officer of the House of Representatives and his partner for printing a work to be given to those who voted that officer and his partner the money." Members of Congress appear to have given themselves the "Madison Papers" in this way, and at one time an effort was made to present ten copies of "Niles's Register" to each member. Items for such appropriations were silently slipped through the Senate, probably at a time when few were present, and the most regular and attentive members would be surprised a year later to learn that some appropriation involving amounts varying from a few thousand dollars up to as much as half a million or more had been voted—even in some instances with them voting in the affirmative. The works

were often or always of questionable value, and in one case Benton greatly amused the Senate by exposing the worthlessness of a map of this kind, which was gotten up with splendid colors and "catchpenny names" to attract the eye.

Benton says that some members—among whom he names Calhoun, King, and himself—were "so utterly averse to the practice of distribution that they would not touch a copy of the works to be distributed," and he was himself in the habit of buying any such book when he needed it. Others were less scrupulous, and there seems to be little doubt that some members regularly sold in advance their right to all such publications for the session for as little as ten dollars.

Time and again Benton opposed these schemes of petty pilfering, often successfully and sometimes not; one that he defeated in 1849 was pressed by Cameron as chairman of the Committee on Printing, and in his very last Senate, in 1850, he stopped one that was strongly urged by Foote. This was at the time when the relations of Foote and Benton were so strained by their frequent collisions, and was after the scene when Foote had drawn a pistol on Benton, but the present contest was carried on in the main within the rules of propriety. Benton evidently took much pleasure in nipping the scheme in the bud, and the approaching contest was heralded in the newspapers, evidently at his instigation, as the "Battle of the Books," after Dean Swift's satire.

The plan in this particular case was to publish "a comprehensive view of the principal independent maritime countries of the East," the facts for which had been collected by one Palmer, who was a friend of Foote and lived at the same boarding-house with him, while Benton maintained that he was in reality a promoter and had been a hanger-on at Congress for years. After quite a debate, in which Benton, with the aid of some others, opposed the

plan on the grounds which have been indicated, of the impropriety of the whole system, the motion for the appropriation was indefinitely postponed by a vote of twenty-eight to thirteen.*

The lobbyists, too, who were already at that time beginning to infest the halls of Congress met with his earnest hatred, and he often denounced their method "of dogging members to and fro, meeting them at every corner, and soliciting their votes." On one occasion, when walking with Wentworth, some one bowed, and Benton said, "That fellow must have bowed to you; do you know him?" and then went on, "He belongs to a class of men whom I never recognize. He is a claim-agent, a professed lobbyist, and they are all great liars. It is unsafe to be alone with one of them; for, as the world goes, when two men are alone together, one man's word is as good as another's after they separate."

His son-in-law has told me another story of his treatment of this class which Benton used to tell with a good deal of zest. Mr. Jacob gives the story as an illustration of the fact he is speaking of that, though kind and courteous to his friends, Benton would be "rough and forcible at times to those who thrust upon him what he did not like. A merchant of New York was endeavoring to obtain from Congress a subsidy for a line of steamers to Panama or some other foreign port, and had an agent in Washington to look after the matter. This agent met Benton one day and "asked him why he could not aid them. He genially replied, 'I might upon certain con-

* See on this subject C. D., vol. xiii., 1836–37, pp. 725, 726, 1010; C. G., 25th Cong., 2d Sess., p. 202; C. G., 25th Cong., 3d Sess., pp. 237, 238, 246–248; C. G., 26th Cong., 1st Sess., pp. 376, 377; C. G., 27th Cong., 2d Sess., pp. 466, 760; C. G., 28th Cong., 1st Sess., pp. 292, 530–532; C. G., 30th Cong., 2d Sess., pp. 204–206; John Quincy Adams's Diary, xi., p. 534; C. G., 31st Cong., 1st Sess., pp. 1203, 1204, 1661–1666.

siderations.' The man was delighted, and answered, 'Name your conditions, Senator; Mr. —— will give you almost anything you ask.' 'Well, the conditions are that when the vessels are finished, that they will be used to take all such d—d rascals as you are out of the country.'"

Benton of course often attended caucuses and used them as a means of securing united party action, but he disliked them and despised those who were party men "in the modern sense . . . as never bolting a caucus nomination and never thinking differently from the actual administration." The National Conventions to nominate a President, too, he never became reconciled to, thinking that they were always packed with "mercenaries" sent in the interest of some particular candidate, and often perverted from the best results by the two-thirds rule; and he wrote in his autobiography that he never attended either one of them or a Congress caucus to nominate a President.*

Political platforms were another of his pet detestations, and he wrote of them with contempt as being reconstructed every four years by "the little political carpenters." He says in his autobiography that "he admitted no platform of political principles but the Constitution, and viewed as impertinent and mischievous the attempt to extend the Constitution periodically in a set of hurrah resolutions, juggled through the fag-end of a packed convention and held to be the only test of political salvation during its brief day of supremacy."

Office-seeking, too, was another function of a public man very distasteful to him. Of course, there can be no doubt that he took part in it to a considerable extent, but he wrote in his autobiography that "he detested office-seeking and office-hunting, and all changes in politics followed by demand for office," and on another occasion he

* View, ii., pp. 160, 188, 599.

said * it was his rule always to tell those asking to have any one removed, so as to create a vacancy, that "they must show misconduct." I see no reason to doubt that this was exactly his opinion and was a fair index to his actions.

It has already been said that he had learned from Macon to think it wrong for a public man to ask office for any of his kin, and he wrote that the commission in the army which he asked from Madison in 1813 was the only favor of the kind he ever asked of any President. The only cases I have unearthed, which can possibly be thought to contradict him on this point are that in 1830, as appears from some family letters, upon the death of a brother, he tried to secure, but probably not from the President, an appointment to West Point for a son of this brother; and again the instance which appears from Polk's "Diary," in 1847, when Benton at least spoke to the President about an appointment for his son-in-law as chargé d'affaires. The case of an appointment to West Point may, in my opinion, be put aside as nothing, but the other one does seem a departure from his principle.

Certain beliefs which he had acquired during his long experience of legislation are deserving of mention, and we would maybe to-day see fewer useless or harmful laws on the statute-book, if some of them were more borne in mind. He was not at all one of those who think that the passing of "a law" is a panacea for every ill that may spring up, nor did he believe that a people can be driven into the paths of virtue by this means.

In the "View," † he tells of an instance in point which had made a great impression on him in his early years in the Tennessee Senate and which he thinks illustrates the

* C. G., 26th Cong., 2d Sess., pp. 216–219. His statement as to his commission in the army is to be found in the View, ii., pp. 87, 679.

† Vol. ii., p. 148.

truth that human frailty, if suppressed at one spot, is more than likely to break out again at a new and even worse place. On some occasion a moralist and worthy member was on the floor taking credit to himself for having put down billiard-tables in Nashville, when another member asked him how many card-tables he had put up in their place. As Benton writes, this was a side of the account to which the suppressor of billiard-tables had not looked "and which opened up a view of serious consideration to every person intrusted with the responsible business of legislation—a business requiring so much knowledge of human nature, and so seldom invoking the little we possess." He goes on that it had been on his mind ever since, and that he had had constant occasion to witness its disregard.

Nor was it only the crude essays of moralists at legislation to reform mankind that he thought attained little success. It has been said that he was an opponent of the doctrines of protection, and probably the instinct that led him against this effort to play guardian to society was the same as that which impressed him in the Tennessee Legislature and found further expression in his saying once in the Senate, "Wonderful are the workings of commerce, and more apt to find out its own proper channels by its own operations than to be guided into them by the hand of legislation."

He urged, too, at all times that the Federal government should get out of business operations. His repeal in his very early days of the Indian Factory System is a case in point, which has been already mentioned, and he always opposed the government ownership of the Missouri salt and other mines, and later on urged individual ownership of the California gold-mines. "I have no idea," he said in 1848, on a bill to grant land to Florida to aid in the draining of the Everglades, "of this Federal government making money by any operation it

engages in. I do not think it can make money by any enterprise it undertakes. It ought not to do so, if it could. The resources of the country should be developed by operations to be carried on by individual enterprise. From these the Federal government will derive advantage in the amelioration of the condition of the people. That is the only way in which it ought to be a gainer." *

The socialistic tendencies, as he thought them, as exemplified in the Patent Office's collection and publishing of tables of prices, etc., and in their purchase and distribution of seeds, led him once to say in the Senate that "the Federal government seemed to him to be madly shooting from its sphere:" and he was undoubtedly in favor of an economical government strictly confined to the general functions indicated by the Constitution. In the "View," he has repeated chapters on the inordinate increase in expenses in various branches of the government, and he wanted to curtail these; but he had little faith in sporadic efforts of one or a few members of Congress to force economy in some particular direction, and he said in the Senate in 1850 that Macon had early told him that "a member of Congress could never effect any reform in what concerned a department unless the department or the administration went with him. I have found that out, and have seen it illustrated for thirty years." †

He wanted, too, to curtail the fees of public officers, as soon as their amount became large, and expressed himself as opposed to "the whole idea of making fortunes out of public service." The constant tendency, too, to grant further pensions for Revolutionary services met his opposition on more than one occasion, as, for instance, in

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* C. G., 30th Cong., 2d Sess., p. 91; C. G., 31st Cong., 1st Sess., appendix, p. 1365. The quotation as to the workings of commerce is to be found in View, ii., p. 671.

† C. G., 31st Cong., 2d Sess., p. 147.

1851, when he opposed their extension to widows whose marriage had occurred after the Revolution.*

Stale claims against the government ever met his disapproval, and he repeatedly opposed in particular the French Spoliation Claims and expressed great pleasure when, on August 6, 1846, Polk told him he intended to veto the bill passed to pay them; and there is some reason to suppose that he aided Polk in preparing the veto message. He thought that such claims should be conclusively assumed to have been heard and passed upon at about the time of their origin.

"It was a just principle," he said, "that they who lived at the time and were cognizant of the transaction, were the proper persons to settle the case," and he always emphasized the hopeless position of the government otherwise, owing to the lack of personal interest on its side, while claim agents kept everything alive against it. "I have seen," he said in 1855, "those French claims, while those were alive who understood them, faintly presenting themselves before Congress and obtaining references to favorable committees, and obtaining favorable reports upon them, without being able to make the least impression upon that body! Without being able for a whole generation to bring them to the dignity of a vote. Then, as those who were contemporary with the events began to die off and new members came in who obtained their knowledge from these favorable reports, thus got from favorable committees selected for the purpose, . . . the claims began to appear formidable."

He urged, too, the utter impossibility of examining the evidence as to these particular claims, and emphasized the vast mass of matter it made and how he had for years been unable to get through it; and intimated the opinion

* C. G., 26th Cong., 2d Sess., p. 218. Ibid., 25th Cong., 3d Sess., p. 42. Ibid., 31st Cong., 2d Sess., pp. 334, 335.

that in the end they would be paid. He also opposed on similar grounds the bill introduced in 1848 for the relief of the family of Paul Jones; and upon the questions arising after California became ours, he urged the immediate creation of a commission to settle all questions as to property seized by General Frémont, which should go out to California and at once, while the evidence was fresh, hear and pass on all claims; only in this way, he maintained, could both the claimants and the United States be protected and California be prevented from becoming "a mine for the production of false claims for half a century to come." And in this same connection, he later opposed the plan introduced for ascertaining titles in the new possessions, and moved a substitute of his own (based on his experiences in Missouri), a main object of which was to give to all Spanish grants precisely the effect the Spanish law would have given and again to avoid dragging litigants to the Supreme Court of the United States.*

But there is one instance in which he did support a stale claim—that of the claims of Massachusetts growing out of the War of 1812. These had been persistently refused payment, and Benton himself had been against them, but in 1830 he supported a bill for the payment of about one-half their amount, announcing that he had studied the evidence and become convinced of their justice. There is the material distinction in this case that the claim was on behalf of a governmental agency in our system, and the question depended mainly on evidence of matters of history.†

It has already been stated that he always opposed the insertion of the word "assigns" in acts for governmental

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* C. G., 30th Cong., 2d Sess., pp. 236, 237, 254–259. Ibid., 31st Cong., 2d Sess., p. 158.

† C. D., vol. vi., 1829–30, pp. 357–359. Ibid., vol. xi., 1834–35, p. 19. C. G., 30th Cong., 1st Sess., pp. 381, 382, 608. Ibid., 33d Cong., 2d Sess., p. 122. View, i., pp. 487–521.

aid to those who had served it, and to the very end of his career he would make long struggles for the amendment or defeat of bills recognizing the right of assignment. In 1849 he announced that he should vote against any one containing the word, and again in the House in 1855 he opposed its insertion, and pointed out that the pending bill was intended as a stock-jobbing device, with the word "assigns" as one aid in that direction and with five of what he called "creep-holes" intended to allow the chief beneficiary under the act (which contained a land-grant in his favor) to escape any real liability for return services to the government.

It was in this same connection, too, that he announced another idea he held, strongly criticising the tendency of courts and executive officers to interpret laws in a way never intended. "Every person knows," he said, "that there are two legislative powers in every country, and the last is the most important one. First, there is the legislative power proper, which passes the law; and last, there is the legislative power improper, which construes the act and makes it either wide or narrow, according to their judgments or their prejudices." *

Another of his beliefs was that almost all bills which pass unanimously have some improper motive behind them. He said he had been told by older members, when he came to the Senate, that he "should distrust anything that went rapidly and unanimously; and their philosophical reasoning was that the human mind was so various in its conclusions that if any case was fully stated and presented in all its bearings, there would be difference of opinion in regard to it, and that, therefore, when a case passed rapidly through a legislative body the presumption was that it had not been fully stated and attentively exam-

* C. G., 30th Cong., 2d Sess., p. 265; C. G., 33d Cong., 2d Sess., pp. 475, 996–998.

ined." This was said in 1848 in regard to a request for unanimous consent to a bill intended to be hurried through for the relief of the heirs of Paul Jones.*

Benton denied the constitutionality of bounties, and seems to have thought the Monroe doctrine much more limited in scope than it is often considered. He was warmly opposed to the plan broached in 1841 and in 1850 to introduce the previous question into the Senate, with a view to limiting debate, and in the former instance had apparently made up his mind and let it be known that he should oppose such an effort to the very end. On this occasion, he said that "Senators have a constitutional right to speak; and while they speak to the subject before the House there is no power anywhere to stop them. When a member departs from the question, he is to be stopped; it is the duty of the chairman—your duty, Mr. President—to stop him, and it is the duty of the Senate to sustain you in the discharge of your duty."

This was during the days of Whig ascendency, but I do not think he at any time expressed a different view. It is also worthy of note that he disapproved of the great difference of length between the long and short sessions of Congress, and thought they should both meet and adjourn sooner, but I judge that a main inducement to this opinion was that he had on the way from St. Louis to Washington "been more than once frozen up on the Ohio River, and compelled to prosecute his journey by land over by-roads and in neighborhood conveyances." †

He was very fond of referring in a sententious way to the origin of the word democracy, specifying the two Greek words *demos* and *krateo* from which it is derived, and in some speech told his audience of his strong love for

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* C. G., 30th Cong., 1st Sess., p. 381.

† View, i., p. 67; ii., p. 197. C. G., 27th Cong., 1st Sess., p. 204. Ibid., 31st Cong., 1st Sess., p. 762. Ibid., 26th Cong., 1st Sess., p. 250.

those two words: and despite the fact that his own style of speaking and of writing was pedantic and involved and not in good taste, he had his own ideas upon the matter, was offended in his early years by some solecism falling from Jackson when on the bench in Tennessee, and later in a speech in Congress, when, referring to certain things as having taken place, he turned to the reporters and said, "Mind you, reporters, took place—don't say transpired, or I shall certainly expire."

Other beliefs of his as to legislative methods find to-day but very few supporters. Thus, he always opposed the system of "pairing off," and maintained that it was unauthorized and merely used as a means of allowing members to shirk their duty. He says in the "View" that he never saw an instance of it during his thirty years in the Senate, but that it had since crept in there from the House; he was, however, not entirely correct in this, for I have come across two instances on one vote in the Senate in 1850, and John Quincy Adams says there was one instance in the Senate in 1829. Adams was also strongly opposed to the practice and introduced resolutions against it in the House in 1840.*

Benton also held to the view, which was supported by numbers of public men, that the sitting of a committee after the adjournment of Congress was without authority under the Constitution. And to the end of his career, as has already been said, he insisted that the powers of Congress terminate at midnight of March 3 of the uneven years and that it should therefore adjourn *sine die* at that time. This subject was more than once discussed in his day, and as late as March, 1849, several members took his view and refused to vote or take any part in the proceedings; but the system was too con-

* View, ii., p. 178; C. G., 31st Cong., 1st Sess., p. 1589; J. Q. Adams's Diary, viii., p. 109; x., p. 241.

venient to be dropped, and by the end of his career few would go with him in opposing it. When, therefore, in the House, in the early hours of March 4, 1855, he appeared in the door fronting the Speaker's chair and insisted that he should not be counted as present, for he was no longer a member of Congress, and added that he should sue any man who called his name, he was merely laughed at in derision, when the Speaker replied that, if the gentleman from Missouri was not a member of the House, "the doorkeeper will keep him outside the Hall." *

If any of these opinions seem a little extravagant to some to-day we must remember that the seeds of his political creed ran back to an early date, and he was not the man to give up a point readily.

One lesson in the tendencies of his time and their contrast to those now prevailing is to be found in the fact that Benton, though beyond peradventure a man of the broadest ideas and always anxious to advance the national greatness of the United States, was yet a strict constructionist of the Constitution. Time and again he would examine at length and with care the question of constitutional power, and I do not think his desire to attain any special object would bias or color his views to a greater extent than is unavoidably incident to the frailty of human nature.

Doubtless, his views on these questions were modified by the growth of events and the constant spread of federal power, but I do not know of any direct instance in point. It is a lesson of history that should not be forgotten that this tendency was instilled into so many of our statesmen preceding the Civil War, and people of to-day who affect to contemn those who raise constitutional questions, be-

* View, i., pp. 471, 596, 599; ii., p. 732; C. G., 33d Cong., 2d Sess., p. 1190.

cause of their narrowness, should take it to heart that a man as broad as Benton was ever scrupulous not to violate that chart, one of the chief purposes of which is to protect a dissenting minority.

Benton was one of those who would not hesitate a moment to face war in what he thought a proper case, and it may be doubted whether he had much real sympathy with arbitration of international disputes. He did recognize it as an entirely proper mode in minor questions but he said in his speech on Oregon, when approving of Polk's refusal to submit that question to an arbitrator: "The interest at stake is too large for that species of settlement. Territorial rights to a country large enough for a great kingdom is not a subject for individual arbitrament, whether of crowned heads or of citizens or subjects. Small things may be referred. Things not worth a contest may be referred. But an empire of territory, with great rivers and harbors; contiguous to and indispensable to one of the parties, holding a claim for fifty years, which it feels to be valid, is not a matter for arbitration. No such imperial territory ever was submitted to arbitration, and in all probability never will be." *

On the other hand, he thought that under our system there is ample machinery provided for the peaceful settlement of all disputes between the States: and, when the governor of Missouri was raising troops to march against Iowa and settle by force a dispute as to boundaries, the Missouri delegation in Congress addressed a private letter to the governor to say that they could not support him in such a movement and advising the commencement of judicial proceedings. This fact was not generally known until Benton told of it some years afterwards in Congress,† and I think it may be assumed that he was a lead-

* C. G., 29th Cong., 1st Sess., p. 404.
† Ibid., 31st Cong., 1st Sess., p. 1385.

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ing instigator of the letter in question. As he said, the consequence was that "Missouri lost the land, but gained the honor of submitting to the laws of the land."

In accordance with these general views, he seems always to have favored a considerable degree of military preparedness, and as chairman of the Military Committee he had of course a great deal of power in this connection. I see no reason to doubt that his general views upon the subject were fairly summed up, when he said in 1840, in view of the supposed British preparations along our northeastern frontier and in Bermuda, "The armor of defence is what the nation should wear. If we wish to preserve peace, we must show a will to resist aggression. The nation which refuses to defend itself invites aggression."

Accordingly, he reproached the Senate in 1836 for having delayed appropriations for national defence at the prior session, when war was threatening with France, and in 1840 he favored the building of a dry-dock at Pensacola and insisted that we must have a strong naval station on the Gulf of Mexico so as to defend that *mare nostrum*. He evidently watched with interest our naval service; but that branch interested him less than the army, and late in life he expressed the opinion that the cruising system was alone suitable to us. He also favored bills for the fortification of our coasts in 1835, 1838, and 1839; but it was chiefly in regard to the army that his views came into evidence.

He was undoubtedly of opinion that our main reliance should be placed upon a "citizen soldiery," to be called for as need arose, but at the same time he believed in maintaining as the nucleus of an army a body of men enlisted for some period, and in numerous instances wanted to raise the number authorized by existing laws. Thus in 1830 he advocated a bill for mounted infantry to protect our trading caravans; in 1836 he wanted to

authorize the President to accept the services of volunteers to defend the frontier, and at about this same time he was pressing a bill for an increase from six thousand to ten thousand, which only barely became a law in 1838, after having been—according to Benton and to his great wrath—long delayed by the bills for depositing the surplus with the States.

He was generally inclined to support bills for volunteers, rather than for the increase of the regular army, but he favored enlistment for several years. At least one of his bills provided for the election of the company officers by the men, and he was at all times opposed to the system of officers coming exclusively from West Point, and maintained that it was a serious error, particularly in a democratic country, thus to take away from the man in the ranks the immense incentive of feeling that he carried a possible marshal's bâton in his knapsack. That the system has on the whole produced good results is sufficient answer to this objection to many, but it must be recognized as anomalous and as an illustration of the truth that a system theoretically wrong may at times work well.

In Benton's day, however, the average success was not yet by any means so clearly established and there was no little opposition to it. This is another instance where Macon seems to have influenced Benton's views, and to the end of his career the latter never became reconciled to the West Point system and, despite his interest in military affairs and suggestions that he should be one of the annual visitors, he never once even saw the Military Academy.*

* View, i., pp. 182, 186, 638; ii., p. 148. C. G., 26th Cong., 1st Sess., pp. 297, 522. C. D., vol. xii., 1835–36, pp. 106, 592, 1388, 1744. C. G., 25th Cong., 3d Sess., p. 238. C. D., vol. vi. (1829–30), p. 272. C. G., 25th Cong., 2d Sess., p. 88. Ibid., 33d Cong., 2d Sess., appendix, pp. 334–341.

He was by no means one of those who think that the propertied classes are always right: and when, in 1840, on one of his bills for the repeal of the salt tax, some of his friends were criticised for "the disorganizing and revolutionary tendencies of their remarks," he replied that

"he was sorry to hear the old monarchical cry against attacks on property. It was an old cry, beginning with the origin of monopolies and continued down to the present day. There were but two parties in politics, and never had been, and never would be. They had existed always, and might be seen in the Bible—in first Samuel—as well as in all profane history. One of these parties, after getting undue advantages, formerly by force, now by corporations and monopolies, always raise the cry of attacks on property when any of their undue acquisitions were in danger. This old cry had long been worn out. . . . He scouted the charge of attack upon property as being equally stale and unfounded, and said that no false issues should go from the chamber. The attack was upon an odious, infamous, and diabolical monopoly." *

There can be no doubt that, in regard to the rare quality of courage, Benton stood in a class in which few human beings can be counted, and Senator Vest is probably right in saying that his courage, morally and physically, was equal to that of any man who ever lived upon this earth. If he knew fear, it is at least difficult to see where it influenced him, and in all ordinary cases he was not only one of those men—of whom there are a fair number—who take delight in the clash of conflict; but his courage went far ahead of these and reached its highest and most aggressive form when he was in a hopeless minority and waging a losing war for years against the overwhelming sweep of forces against which any one man is as powerless as is one ant to hold back the waters of Niagara Falls.

In all circumstances his courage seems to have held

* C. G., 26th Cong., 1st Sess., appendix, p. 179.

proof. Whether in the long-drawn-out struggle of his latter years against the tendency in his own State, as in other slave States, to gravitate towards disunion in the effort to save their existing social system, or in some conflict in the Senate where all his opponents and many of his friends would think him utterly wrong and guilty of abandoning what he had supported for half a lifetime; or when his life was in imminent peril; or in personal encounters of any kind with an opponent he seems never to have hesitated or to have thought of consequences to himself, but to have gone on in the course he thought right and—to use a phrase he often repeated from Jackson—leave the consequences to God and the country.

In his legislative career it has been shown how very often he exhibited these qualities, and it is to be observed that his action in such matters was to him but the natural and necessary course, and he never either assumed that he was doing a virtuous thing nor does it anywhere appear that he was for a moment appalled by what lay ahead of him. How different in this from John Quincy Adams, whose courage was indeed high, when screwed to the sticking-place, but who repeatedly had positive night-sweats of terror over what lay ahead of him and constantly took virtue to himself for his course, dilating, for instance, at some length on the suicidal policy he was pursuing in 1835 over some petty boundary contest between two States as far off from his own as were Michigan and Ohio.* Benton would have disposed of such a matter without once quailing or noting the fact.

In one of his speeches on Oregon, Benton used words which probably summed up pretty well his ideas upon the course to pursue under difficulties. "Neither nations nor individuals," he said, "ever escaped danger by fearing it. They must face it and defy it." His life has certainly

* Diary, ix., pp. 222, 223, and passim thereabouts.

shown that he acted up to this doctrine in a conspicuous degree in many instances of great public import, and the same was equally the case in those many instances, which an active public career furnishes, of clashes of one kind or another with those who differed with him. Any number of cases could be brought forward where, on differences with other Senators becoming warm and excited, he would attack his opponent with a fierceness which almost always led to his final triumph.

And so persistent was he in such contests, when they did not at once end in an irreconcilable clash, that he would generally in the end force from his opponent some statement or admission which largely justified his own course. Thus in one case he had a long wrangle with Rives in regard to language used by the latter in secret session in the discussion of certain maps which were shown during the debate over the Ashburton treaty. The point was that Rives had apparently charged Benton with purposely failing to see certain lines on a map, while Rives maintained that he had made no such charge, and that the real point at issue between them was as to the purpose with which Benton had introduced the map in question. The discussion went off, as such disputes are likely to do, into a confused wrangle over a very small and intangible difference; but Benton stuck to his point with the tenacity of a bull-dog, bringing the discussion up on three separate days and repeatedly reiterating in almost identical words the dishonorable perversion of palpable truth which he insisted Rives had charged against him, with the result that at length Rives said something explanatory which Benton was able to accept as satisfactory and as justifying his contention.

Dyer says that once, on the occasion of some personal wrangle with a member, the opposing Senator referred to what he called a "quarrel" of Benton's; but the latter replied sternly, "The Senator is mistaken, sir. I never

quarrel, sir; but I sometimes fight, sir; and, whenever I fight, sir, a funeral follows, sir." This statement was fairly true as to his early years, but it is evident that as he grew older he sought to avoid duels, if he had not even made up his mind positively to decline them. Still, he probably had his doubts as to the wisdom of the growing sentiment against duelling, and wrote in the "View" with some bitterness as to the frequency with which under the new custom one man would go armed and in effect murder a person with whom he had a quarrel. Doubtless, he thought the "code" often grossly abused, but down to his late life he had the greatest admiration for a "high-toned duel," and wrote in the "View" with evident gusto of the Clay-Randolph meeting in 1826 as the last one of the kind he had seen.

All agree that he was a terrible man in anger, but, while some say that on such occasions he grew almost beside himself and became the helpless victim of his fury, both Wentworth and Dyer think that the higher his anger the cooler he was and that he never lost his self-possession. The latter says that, when he wanted to torture an opponent, he had a way of elevating his voice into a rasping squeal of sarcasm, which was intolerably exasperating. He had on such occasions a most effective way of repeating a sentence over and over with slight variations, hurling the word *sir* at his opponent with a frequency which nothing but his powerful utterance and commanding manner prevented from becoming absurd.

In the debate on the petition from the people of New Mexico against the introduction of slavery among them, Senator Westcott read parts of the petition, but probably by accident omitted certain important words. When he closed, Benton arose and said imperiously, "Will you hand me that petition, sir?" Westcott was taken by surprise and immediately complied, whereupon Benton said, with the utmost severity, "Mr. President, sir, I wish to

read the words that the Senator from Florida has left out. He read it twice, sir, as a petition from the people of New Mexico. He read it twice, sir, as relating to the people of New Mexico, and he read, sir, 'the people of New Mexico' twice [laughter], twice, sir, and by reading it twice he thought himself entitled to leave out the few following words." *

Dyer, who very likely heard or reported this scene, says that "Benton hurled 'the people of New Mexico twice, sir,' like a missile at the opponents of the petition. On every repetition of the word 'twice,' his voice struck a higher key and rang out with increased power, his mighty arm swept through the air with majestic gesticulation, his eyes blazed, his massive form dilated and towered with indignation."

Not infrequently in these personal wrangles he was very disorderly, as one instance will suffice to show. He had been greatly outraged when, soon after Polk's accession to office, Blair was displaced as editor of the administration organ and in effect compelled to sell out his plant at an almost nominal price to his successor Ritchie: and he always maintained † that this had been the price of a bargain by which Polk secured through Calhoun's aid the vote of South Carolina. Benton was indignant over this, and probably thought the object to be the further persecution of Blair, when an effort was made in 1847 to substitute him and Rives by one Houston as the publisher of the "Congressional Debates."

The consequence was that he met this proposition with bitter wrath during parts of four days' sessions and persisted in dilatory tactics, until his opponents succeeded in carrying the motion, and then he made a motion to re-

* Dyer speaks of this instance, which is to be found in C. G., 30th Cong., 2d Sess., p. 34.

† View, ii., pp. 650–655.

scind the resolution so passed. He was undoubtedly in this struggle often out of order and quarrelled with some of his friends, telling Hannegan, for instance, that his conduct had "put an everlasting barrier between him and me politically." In this particular case, as did not often happen, Benton was a good deal laughed at, and Hannegan intimated, to the great amusement of the Senate, that, though he had never—unless on the night succeeding the passage of the expunging resolution—seen the Senator from Missouri drunk, yet he thought after the day's occurrences that "Jackson was right when he said that the Senator from Missouri was very seriously injured by the bursting of the big gun on the 'Princeton,' which blew his brains out."

The reference was to a statement Jackson was said to have made in a letter to a friend as the explanation of Benton's opposition to the annexation of Texas. But, however disorderly Benton may have been and however much laughed at, he carried his point, and Houston did not secure the contract for publishing the "Debates." Blair and Rives held it for the whole of another Congress, and then it was awarded to Rives alone.

In such cases, he was at times so unreasonably violent and so given to treating with scorn some position of an opponent that was in the main correct, that a skilful opponent would show his error or even in a few instances successfully rebuke him for his unpardonable violence. Thus, Walker once replied with considerable severity to Benton, who had (so Walker maintained), "like a thunderbolt from an unbroken sky, broken upon the Senate in a perfect tempest of wrath and fury, bursting upon his poor head like a tropical tornado." Walker suggested his willingness to continue the controversy "in all its consequences, in and out of this House;" but Benton, who reproduces Walker's speech in the "Thirty Years' View," says he made no reply, because he believed the events of

a few months would fully justify his position on the point in controversy.

At times these clashes in debate could, however, be conducted in good humor, as notably in an instance with Webster, when the latter complained that Benton had "boiled over as tempestuous as Etna or Stromboli, with smoke, heat, and lava," and Benton said in reply, "The Senator from Massachusetts complains of fire and rocks, of burning mountains and rivers of lava; and seems to think that I have hurled all these things upon his head. Far be it from my intention to use him so cruelly. I only undertook to learn the future conduct of the Bank of the United States from his present conduct here to-day; and if, in doing this, I have been writing on his naked skin with the point of a red-hot iron, it may have been the innocent cause of all these confused sensations about these fiery eruptions, heaving mountains, flowing rivers, and falling rocks, which have led the gentleman to believe that he was standing under the showers of one of those volcanic mountains which bury a city in a moment. The remedy is to cover the head and fly. . . . Let him cover his with a document, and he will come out safe." Several further like interchanges followed, all in good humor, despite the fact that the two men were generally on ill terms.

Benton's fierce onslaughts in more than one instance on spectators in the galleries who expressed their sentiments too boisterously seem to have been on the whole successful in accomplishing the purpose he had in view, but they had their evil side. It will be remembered that he opposed the enforcement of the rule in such cases for clearing the galleries in general and insisted that the actual offenders alone should instead be arrested, and this undoubtedly resulted in preventing the ready repetition of such disorder; but it was said that the Senate was in 1837 in no little embarrassment what to do with the man ar-

rested for disorder at the passage of the expunging resolution, and it seems that this individual declined in reality to purge himself of contempt, and, when the Senate none the less voted to discharge him, he asked to be heard in his own defence, and a very undesirable scene was only avoided by his being hastily hustled out of the chamber.*

Men so insistent as Benton was in the maintenance of his views of policy have an enormous influence in affairs and make a great mark on the course of legislation. The reader has seen this in many cases; and it may be mentioned that Polk wrote in his "Diary," in regard to the conference of himself and Buchanan with Benton as to the declaration of war against Mexico, that after some little argument he had himself abandoned the discussion, because he saw that "it was useless to debate the subject further with him."

Again, when in reality very anxious to stop Benton from publishing his Oregon letter, Polk wrote that "knowing his domineering disposition and utter impatience of contradiction or difference of opinion," he merely stated his objections. And in the same direction is another note of this diarist that after Benton had been shown in advance an annual message and had objected to certain parts of it, all the Cabinet "agreed that it was inexpedient to retain the passage—if for no other reason that, if they were opposed by Colonel Benton, they would not probably pass Congress."

With all these traits belonging to him, he must often have been a very hard man to get on with in public affairs, and it is not impossible that some knowledge of this on his own part was the cause that led him to decline Van Buren's offer of a Cabinet position. At the same time there are numerous instances in which he did get on to all

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* C. D., vol. xiii., p. 506. C. G., 27th Cong., 1st Sess., pp. 338, 339.

appearance easily with others as insistent as himself, and he occupied for years committee positions in the Senate which must have kept him constantly in close touch with many others.

But during his career he had many a falling out with members of the Senate and other public men with whom he had to act, and there would then follow a breach of all relations which Benton was probably not quick to make up. Though he had been for a time close to Polk, yet the latter notes that after the Frémont court-martial Benton ceased bowing to him, and they had no relations whatsoever for at least a year. They seem to have often met at church, and Polk of course thinks the breach was made by Benton, and doubtless this was at least a half accurate judgment.

Colonel Switzler writes me that he carried his rage so far that when David H. Armstrong was postmaster at St. Louis under Pierce, Benton in a pique discontinued all relations with him and declared he would neither send nor receive any mail matter that could possibly be handled by Armstrong. And he carried out his purpose, resorting to the inconvenient substitute of express companies for the mails. Wentworth says, too, that he was apt to be boastful in victory, and while undaunted, quite morose under defeat.

With his colleagues in the Senate from Missouri, too, he was apparently generally on bad terms. Barton had doubtless helped him to reach the Senate, and seems to have looked upon it as a case of black ingratitude when Benton, partly through his advocacy of a reform in the land laws (which Barton opposed), became the leading politician in Missouri. The consequence was that there was before many years a breach, and Barton made insulting speeches against his colleague, referring to the fact that the latter had come to the West uninvited, "complained of having been driven by tyranny and persecution;

desired our hospitality and auspices, and a little room to lie down and repose," and was then taken up by us and advanced to high station.

"We found," Barton went on, "the assailant of our characters and our motives a scrubby political scion; and thought it a fruit-bearing species. We nourished it, and it grew when, lo! it proved a political *bohon upas,* and blighted and desolated all for miles around its stem." * Barton went on at some length, making many references to Benton that were plain enough and were in some instances very severe and insulting. Benton did not reply to these personalities, nor do I know of his ever noticing them in any way.

With Buckner, too, who succeeded Barton, Benton was by no means on good terms, and in his last years in the Senate it has been seen that he and Atchison were leaders of bitterly contesting factions in Missouri. Only with Linn do his relations seem to have been at all times cordial. But, as is so often the case with men of many dislikes, he had also his friends of a lifetime; of these some have appeared already, and Linn, and Dodge of Wisconsin, may also be mentioned.

That he was a bitter and rancorous hater cannot for a moment be doubted, and he was equally certainly vindictive in the sense that he would do great injustice and inflict grievous injury on those with whom he quarrelled. Indeed, Mr. Birch even says that "if he ever forgot or forgave an intended injury, only his Creator knew it;" but this is the opinion of one who is the son of a political opponent and is not borne out by others. Thus, Judge Walls, of the United States Circuit Court of Missouri, said,† when announcing Benton's death from the bench, that he and Benton had been acquainted for forty years,

* C. D., vol. vi., p. 148 et seq.

† Quoted by Mr. Lloyd in Benton Statue Proceedings.

and that it was a great mistake to suppose that a difference of opinion would disturb a friendship of Benton's; that it was only when he thought a personal affront was intended that he withdrew his friendship.

He could, moreover, be just even to a political opponent and furnish aid to protect him against a public hue and cry. Thus, when Clay was almost universally charged with having been guilty in 1824–25 of "bargain and corruption" with Adams, so as to secure a Cabinet position, Benton said at the time in conversation that Clay had told him in the early part of December, 1824, that he intended to vote for Adams, and later came out in a public letter to the same effect.* And Bay, who knew Benton well latterly, while he admits that he was often vindictive and thus at times guilty of great injustice, writes "but that he possessed a cold, unforgiving, and unrelenting heart is not true, and we could give many instances that came under our personal observation to prove the contrary." It may be mentioned, too, in this connection that after the passage of the Compromise Measures in 1850, though he and Clay had been political enemies for a quarter of a century and had recently had numerous savage encounters, Benton felt so grateful to Clay for his then services to the country that he asked Blair to communicate his feelings to his opponent.†

One conspicuous instance of this kind in his latter years was the renewal of friendly relations with Webster, with whom he had for some years not been on speaking terms. This was brought about by Benton, after his narrow escape from death at the time of the explosion of the "Princeton's" gun, approaching Webster and suggesting that they had better bury their differences.

And this reconciliation led to another. A politician

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* C. G., 28th Cong., 1st Sess., appendix, p. 679.

† General F. P. Blair, Jr.'s, Address.

of Missouri named Wilson, between whom and Benton there had for many years been the most bitter enmity, visited Webster and asked his aid in securing some letters to important people in California whither he was going with the hope of bettering his broken fortunes. Benton occurred to Webster as the very man to furnish such letters, but it was only after much effort that Wilson's pride gave way and he allowed Webster to induce him to call on Benton with a letter explaining the situation. Benton then had Wilson to breakfast and fairly loaded him down with a mass of letters to leading men, and both broke down a little in talking over the folly of their past abuse of one another. It must at the same time be remembered that these instances occurred towards the end of Benton's career, when advancing years and possibly other causes had somewhat softened him.

It is said that a deep impression was made upon him by his narrow escape from death at the explosion of the great gun on the "Princeton" in 1844. He was occupying a certain position, when some officer, knowing his interest in military affairs, called him to a still better point of observation, and Gilmer took the place he vacated. In a few minutes the gun was fired and Gilmer was instantly killed while standing in the very spot Benton had occupied. Bay says that he often heard Benton refer to his escape on this occasion as a providential interposition, and Webster is quoted by Harvey as saying that at the time of their reconciliation Benton spoke of the occurrence, and said that it seemed to him as if the touch on his shoulder by the officer, who had led him to another position, was "the hand of the Almighty stretched down there, drawing me away from what otherwise would have been instantaneous death. . . . That one circumstance has changed the whole current of my thoughts and life. I feel that I am a different man, and I want in the first place

to be at peace with all those with whom I have been so sharply at variance."

That, despite his often furious attacks on those who stood in his way, he held in the main a kindly judgment of most of his contemporaries is amply proven by his notices of the leaders among them in the "Thirty Years' View." Of nearly all he has a good word to say, and he generally gives full meed of praise to their good points. Even as to Calhoun, he fully notices his high character and great abilities and takes evident delight in some of his personal debates with Clay.

Benton and Calhoun had apparently been friends in their early days, and had at least worked together to bring about Jackson's nomination; but the factional troubles later on during Jackson's presidency doubtless separated them, and still later they were looked upon as rival aspirants for the control of the Democratic party.* Benton announced in 1838 or 1839 that he preferred defeat in the coming presidential campaign to success with Calhoun, and from at least this date on they were evidently enemies. Calhoun was already at that time predicting disunion or civil war and tended more and more towards a course which Benton saw must lead to an attempt to break up the country, and here alone was cause enough for his distrust and dislike. He refers in numerous instances to the growth of Calhoun's constitutional doctrines, and maintains that the great Southerner constantly abandoned his prior opinions and found new doctrines to sustain the views which he thought the interests of the South required. Benton writes of "all the morbid views of the Constitution" which Calhoun held, and speaks of his last principle of the self-extension of the Constitution into the

* See *e.g.*, John A. Quitman's letter in Claiborne's Quitman, i., p. 188.

territories as one that can only be classed as a " vagary of a diseased imagination."

Their hatred of each other grew as the years went on, and Benton probably looked upon Calhoun as a chief factor in his own long fight and final defeat in Missouri, besides considering him the arch-destroyer of the Union.* It is said by Wentworth that when Webster asked Benton to make some remarks in the Senate at the session in honor of Calhoun, Benton refused, and said, " He is not dear, sir,—he is not dead. Calhoun died with treason in his heart and on his lips." And at the meeting in question Harvey says that Webster told him Benton sat with his back turned towards the Senate and inattentively twirling his spectacles.

Caleb Cushing was one of the few public men whom Benton held in very poor esteem, evidently being of opinion that he was a man of no principle and quite ready to change as the chances of preferment indicated. Douglas, too, he seems to have had little opinion of, and Darby writes that, when he was in 1849 expressing the opinion at the St. Louis Pacific Railroad Convention that Douglas wanted to have the railroad built from Chicago to the West and to secure the presidency, Benton replied, " Douglas never can be President, sir. No, sir; Douglas never can be President, sir. His legs are too short, sir. His coat, like a cow's tail, hangs too near the ground, sir."

Benton was at no time consumed with that passion to be President which has marred the careers of so many of our public men, and in several instances stopped budding movements in his own favor; nor do I see the least reason to doubt his absolute sincerity in these cases. Soon after Van Buren's term began, in 1837, he was put for-

* View, i., p. 342; ii., pp. 98, 120, 136, 160, 183, 314, 697, 713, 729, 733.

ward as a candidate for 1840 by at least two newspapers, one in Philadelphia and one in Missouri, but he at once declined and urged the renomination of Van Buren.

Again in the summer of 1841 a movement was started in Philadelphia for his nomination in 1844, but once more he declined and urged Van Buren's selection, and Polk's "Diary" has been quoted to show that he continued to favor Van Buren until Polk's nomination. Once more, in 1847, he was brought forward by a Missouri paper and his name printed in large type in its columns for the nomination in 1849, but not only had he apparently tried to forestall this movement, but, as soon as it was none the less started, he wrote that it was contrary to his expressed wishes and intentions and requested that his name should be dropped.

Finally, as the existing parties began to break up, he was thought of by the dissatisfied Democrats, and Chase and his friends would gladly have seen him nominated in 1852. But to the end he adhered to the Democratic party in the presidential elections. In 1848, when Van Buren was about to accept the nomination of the Buffalo convention, Benton went over to New York and tried hard to dissuade him from lending himself to such a disintegrating movement, and in 1856 he supported Buchanan against his own son-in-law, Frémont.

Benton twice declined the nomination as Minister to France, offered him by Jackson and by Polk, and also the position of Secretary of War, offered him by Van Buren. He writes in his autobiography that two other offices were intended for him, had certain circumstances arisen, which he would have accepted—that of the command of the army during Jackson's presidency, in case of war with Mexico, and again when war threatened with France in 1836, and the like position intended for him by Polk during the Mexican War. It may also be worthy of

mention that he rarely accepted those invitations to complimentary dinners with which some public men are so much pleased, and others quite as much bored, and seems to have had it generally understood that such was his custom.

From an early day Benton was convinced that the American people had a great future ahead of them. Living on the frontier, he saw with his own eyes the spread of our civilization towards an immense area of uninhabited land, and he appreciated as few did what this meant for our future development. Jealous of all our rights, as he saw them, he generally spoke with evident affection of "our America," and both the Mississippi River and the Gulf of Mexico he often called "*mare nostrum*," and wanted both to be strictly maintained as ours. "That we must have a naval station on the Gulf," he said in the Senate on July 11, 1840, "cannot be doubted. . . . The time would come when our people would speak of the Gulf of Mexico as the Romans did of the Mediterranean, '*Mare nostrum*—our sea,' they would say."

And, as did most of our soundest statesmen of his day, he looked with great distrust upon England, considering her as the only determined and dangerous opponent of our growth and prosperity. At the same time he was far from what is now called a "jingo," and by no means believed in claiming everything in sight as ours, as is sufficiently shown by his course as to Oregon.

To him, from the very earliest day of which we have any information, his *country* meant not his State or section, but the whole aggregate United States. He disliked as a young man, he says, Jefferson's reference to Burr's supposed plan for disunion in 1806, and in his later years in the Senate he expressed his grief at the suggestions of the possibility of disunion contained in the Southern protest upon the admission of California, and he has been quoted as saying in another instance that we should no

more look ahead to causes of disunion than to reasons for divorce from our wives.

It is a strange lesson to find three such iron-strong characters as Jackson, Benton, and Houston, all growing up in the same general borderland of the country, far from the power and pelf of administration and yet with such a burning love of the Union as was theirs. They all "thought continentally," to use once more the phrase of their time and section. Jackson's case need not be emphasized; and Houston told in reply to Calhoun in 1848 how he, at the time "in the wilderness, an exile from kindred and friends and sections," in one of the strange episodes of his strange career, had heard of the threats of disunion in the days of the struggle over the tariff and nullification, and said they had "rung in his ears and wounded his heart." And how true this was was shown when not many years later as governor of Texas he strove to stop secession. So persistent was his hopeless struggle that the ordinance of secession could only be carried by overriding his veto; and, finally, when all officers were required to take an oath of allegiance to the Confederacy, he flatly refused, was declared deposed, and ignominiously displaced, and then died in two years with his heart broken.

And Benton, the third of this trio, so far as I have found, at no time in his career faltered for a moment in his devotion to the American Union as the mistress to whom his services were due. This was his loadstar from beginning to end, and towards the close of his career became a very passion.

It is true that he thought the South was unjustly treated, and writes * that "the real source of all the disorders to which the country was or had been subject was in the system of legislation which encouraged the industry

* View, ii., p. 121.

of one part of the Union at the expense of the other,—which gave rise to extravagant expenditures, to be expended unequally in the two sections of the Union,—and which left the Southern section to pay the expenses of a system which exhausted her;" but this opinion had no influence whatsoever with him, when the South began to tend towards disunion.

I know of but one instance in which his arguments were to any extent on the same side as was upheld by the Southern school. This was during the debate on Foot's resolution, when he was with the South on the main question, and his feelings were strongly aroused and probably shocked by some of the claims of power for the Federal government advanced by Webster and others, and he did put a hypothetical case to sustain largely the Southern theories. "Let us suppose," he said,* "that a law of Congress passes, declaring that slavery does not exist in the United States, . . . that the Supreme Court takes cognizance of the denial, . . . decides in favor of the law of Congress, and puts forth the decree which, according to the new doctrine, it is treason to resist. What next? Either acquiescence or resistance."

It cannot, however, be doubted that this was merely an argument advanced in the heat of discussion; and he would far rather have run the risk of such a palpably wrong decision being made than to incur the other risk of the ultimate power being in the States. Can we conceive of the court's taking such a revolutionary step, Benton would doubtless have denounced the decision and sought to have it overruled—as he did with the Dred Scott case—but the theoretical possibility would have had no influence on his opinions. If governmental agencies act grossly wrongly, and fly in the teeth of written laws, absurd and insoluble conclusions can always be brought about.

* C. D., vol. vi., 1829–30, p. 113.

As the South came in later years to tend more and more towards a separation from their sister States, Benton was beyond doubt among the very first of our public men to see whither they were driving, and it has been seen how highly excited he often grew over the matter. Years before the Civil War, and at a time when most of our public men by no means read aright the shadows of coming events, he had far better vision, and many parts of his "Thirty Years' View" show how distinctly he foresaw a desperate and bloody war involving the future of the Union. When his forecast of events years before the outbreak of the war is compared with the view held by Seward and others as late as 1861, what are we to say of the relative capacities of the two as statesmen?

As early as 1849, in his Fayette speech, he told his hearers that he had long been urged by both a Whig and a Democrat to attend the Southern meetings held that spring in Washington, and had been assured that, if he would come, he and his friends could pass certain resolutions in favor of union and break the meetings up; but Benton says that he was inexorable, and told his friends that he was "tired of these plots against the Union—tired of this threat of disunion—that I wanted the thing to come to a head that the people might see it and understand it, and then they would crush it forever." In 1848, too, in writing* Jackson of his outcoming speech against the Texas treaty, he said that it will show his objections except one, "of which not having the proofs sufficiently full, I did not choose to name at all; and that was the dissolution of the Union and the formation of the Southern Confederacy to include California. I did not touch this, because I did not choose to go into it without full proof."

Even earlier, too, in his answer to McDuffie in 1844,

* Letter to Jackson of May 28, 1848, in Jackson Correspondence in Library of Congress.

he seemed already to understand pretty well what was coming, but he ridiculed the idea of secession in his attack on Calhoun's threats of disunion in the Senate in 1847, and Bradbury thought that this was then his real feeling. To me it seems rather to have been the passionate outbreak of an angry man and an effort to cover with ridicule something he detested; but, however this may be, he wrote his son-in-law in April, 1856, that, if the Democratic convention did not nominate a man opposed to slavery agitation, he had "no idea that the Union can hang together four years under either of the extreme parties," and in that same year, on a visit to New England, he told Bradbury that he believed the feeling in the South was so strong that even Virginia would on a secret ballot vote to secede. On this occasion he went as far as Augusta, Maine, and spoke earnestly for the Union, deprecating the abolition agitation and assuring his hearers that those who were carried away with this "Speculative Philanthropy" were doing no good.

His apprehension of disunion and hatred of it remained a passion with him doubtless to his last moments, and his son-in-law has written me that one morning at breakfast, in 1857 or 1858, Benton seemed unusually absorbed and then turned abruptly to him and said, "Mr. Jacob, North or South?" When the son-in-law explained his position, Benton spoke of the approaching presidential election, and said that if the Democratic party did not succeed, the South would make an effort to secede, adding that "the result would be a terrible war, and the outcome very doubtful." And the same informant writes that when Jefferson Davis called at the Benton home to express his regrets upon Mrs. Benton's death, Benton was so cold and freezing that his daughter later remonstrated with him, but received for reply, "My daughter, he is plotting to destroy the country." Blair, too, has said that very late in Benton's life the latter read to him the last

sheets he had written of the "Abridgement" containing Clay's poignant reply to Barnwell, who had vindicated Rhett's secession ideas.*

In the "Thirty Years' View," too, he refers in a number of instances to the evidences of a growing tendency towards disunion in the South, and in his final chapter speaks of the proofs he had witnessed of the capacity of the people for self-government, and thinks that two great trials of their capacity still remain. One of these was in regard to the election of the President by popular vote, and the other was whether "the sentiment of political nationality . . . is to remain co-extensive with the Union . . . or divide into sectionalism, ending in hate, alienation, separation, and civil war."

It cannot be doubted that the dread that all that he and the fathers before him had labored to establish and maintain might be swept away clouded and embittered his last years; and he closed his great work by writing that, whatever the future might have in store, he would at least have one consolation, "the knowledge of the fact that he has labored in his day and generation to preserve and perpetuate the blessings of that Union and self-government which wise and good men gave us." †

There can, I think, be no doubt that, as the South tended more and more towards secession, Benton felt sadly the need of new friends, who should be supporters of the Union, and had a far more kindly feeling to New England than at any other time in his career. His visits there point in that direction, and again his son-in-law has told me of having driven Benton to a railroad station in Kentucky not long after one of these visits; and when quite a crowd followed on seeing his name on the trunk, Benton, who had been much struck with the universal

* C. G., 31st Cong., 1st Sess., appendix, p. 1414.

† See, generally, View, ii., p. 771, etc., 782, etc., 787, 788.

activity he had seen, said "Mr. Jacob, if these men were as busy as those in New England, they would not have time to follow me as a monkey-show."

He seems to have thought himself rich in his early years, but during his public life he was careless upon the subject and he died a poor man. His son-in-law thinks that he spent his own money to no little extent in connection with expeditions to explore the West, and I have come across evidence which is at least consistent with this view.

Benton had served for thirty consecutive years—five full senatorial terms—in the Senate, and his length of service had in his day never been equalled. It has since been equalled in three instances and exceeded in two. Senator Jones of Nevada served five full terms, as did Benton, and Senator Allison of Iowa is now beginning a sixth consecutive term. Morrill was also elected to a sixth term and held his seat in all for nearly thirty-one years.

Benton has often been compared to his three great contemporaries, and the result is fairly summed up by Bay as follows: "That he was inferior to Mr. Webster as a close, logical, reasoner; that he was not the equal of Mr. Clay as an orator; and that Mr. Calhoun surpassed him in the power and condensation of language, all must admit. But in depth of mind, originality of thought, and power to conceive and execute any great measure of public welfare, he was the equal of either, and in some respects the superior of all."

As a constructive and far-seeing statesman in the best sense of the word, he must be given the very highest credit, and some competent observers think him far the superior of all his contemporaries in this respect. From early youth, when he foresaw and foretold how the vast unsettled Western territory could best be divided into States, down through his long career stuffed full of many

policies doggedly urged for years, and possibly particularly in the hopeless struggles of his last years against the causes leading to civil war, he certainly foresaw coming events far more nearly than did his contemporaries; and he acted well up to the sound rule of simple laws intended to allow the freest possible scope to that individual action which is the atomic force of society, and which enables the body politic to wield the utmost power of which it is capable—a power so nearly resistless as to be comparable to those of nature.

CHAPTER XXIV

NOMINATED FOR GOVERNOR OF MISSOURI—HIS CAMPAIGN AND DEFEAT—LITERARY WORK—SORROWS OF DECLINING YEARS—MORTAL DISEASE—DEATH—FUNERAL

In 1856 Benton made his last campaign, running as candidate for governor of Missouri on the ticket of the "Benton Democracy." It seems that his friends thought it an unwise step on his part, and the result of the canvass is not the only evidence that they were right. He was by this time too much out of touch with public sentiment and had suffered too many failures. Already twice defeated for the Senate and then for the House after serving but one term in it, the evident growth of public opinion in his State had been too much away from his views for him to have any reasonable chance of success. Possibly—though it is not likely—he foresaw the result in advance, but thought it none the less desirable to make the campaign so as to emphasize what he thought the underlying cause of the divisions among the bitterly wrangling factions of the Democracy and to awake the people to a consciousness of the awful struggle that lay but a little way ahead.

At the time of this last public effort Benton was a man well past seventy-four years of age and was suffering from the dreadful gnawing malady which ended his earthly career in about a year and a half, but he none the less made a canvass such as not many men are capable of in their prime. Going from one end of the State to the other, this mortally-struck septuagenarian made speech after speech of such length as would be listened to from but few public men, so that it is generally said that he

travelled some twelve hundred miles and made forty speeches of from one to two hours' length.

Nor must it be forgotten that travelling in Missouri at that day was not accomplished in parlor-cars and sleepers; on the contrary, a large part of the distance was of course covered in carriage or on horseback over the roughest kind of roads and often where there was no road at all. The late Peter L. Foy, who made at least part of the trip as special correspondent of the Missouri *Democrat,* wrote to me of the long drives they took over the prairies, and added that he was very near Benton most of the time, "and listened to his conversation or rather his reminiscences and opinions with unflagging interest." It is probably to this campaign that John M. Palmer refers, when he speaks of seeing Benton upon the latter's return from his "forty days in the wilderness," and adds that Benton said of his enemies "I have laid them out like milestones on my way."

Another touch of his method during this last charge of his is given by Senator Vest, which the reader will interpret either as a mere outburst of fury and rancorous hatred against an arch-enemy or else as an instance in which he had been able to some extent to look into the seeds of time and see which grain would grow. "I heard him in 1856," says Mr. Vest, "when a candidate for governor of Missouri, declare emphatically in a public address that if he had been President in 1828, instead of threatening to hang Calhoun, he would have hanged him on the eastern exposure of the Capitol, and appealed to the people of the United States to vindicate his action."

As it seems to me, it is only in the light of a forlorn hope or as a sacrifice battle that the wisdom of Benton's campaign for governor can be maintained. Success, at least, was impossible, and when the struggle was over and the ballots counted, he was found to be far in the rear and to have fewer votes than either of the other two leading

THOMAS H. BENTON, ÆT. ABOUT 70.

From a painting in the Missouri Historical Society.

candidates. Trusten Polk (Democrat or anti-Benton), who was elected, had 46,993 votes; Robert C. Ewing (Whig) had 40,589; and Benton only 27,618.

The year of this campaign was one in which a President was to be chosen, and Benton adhered to the regular party candidate, voting for Buchanan against his own son-in-law, Frémont. He had had a poor opinion of Buchanan, but his view doubtless was, as Bay writes, that Frémont was a merely sectional candidate, and his pride in and love for the American nation could find nothing to be desired in the support of one whose election would have tended directly towards the disintegration and breaking up of that Union which he well-nigh worshipped.

It was publicly known during the canvass that he was an opponent of his eminent son-in-law, and in the early days of the campaign he had written to another son-in-law (Mr. Jacob), "It has been a great mortification to us all that Frémont has allowed himself to be got hold of by the fusionists. I gave him my opinion of it from the first, and did what I could to prevent it, but in vain, telling from the beginning that my opposition to it would have to become public. I was not able to stop it, but I think it will die out. Those who started him counted upon the support of my name. I have taken care to undeceive them; and now many of them are like a man courting a girl for her fortune, and when he finds she has none, won't have her. I think he will be got out of it yet."

Hardly one year and a half of life now remained to Benton; but, though all his political hopes were crushed and he flung aside on the scrap-heap by the hard fates which guide the growth of human history; though thus deprived of all possible chance of influencing public opinion in that only way which he had known for over thirty years; with, too, a mortal malady gnawing at his vitals of so dreadful a nature that men and women speak of it

with bated breath, suffering from it often the most excruciating torments and on at least one occasion brought close to death's door and his mind as well as body overmastered for some weeks, long before his final release, this man of steel by no means gave up activity.

As late as December 1, 1857, he was striving to arrange that "right *leads* should be taken at the beginning of the session. Providence, and folly, and wickedness," he wrote some friend, "have fixed things to the hands of the friends of harmony and the Union, and it is for them to avail themselves of the advantage." And at least as soon as his "Thirty Years' View" was ended, he had taken up the immense task of publishing an "Abridgement of the Debates of Congress," and worked on at this literally to the very night before his death.

It is said that when his powers began rapidly to fail and he could no longer sit up in bed, and was even at last barely able to whisper, he continued the work with the aid of a daughter as an interpreter and with one of his sons-in-law as amanuensis to his dictation, Dyer specifying that "he whispered the last few pages of the work, as the breath was slowly fading from his iron lips." But even with all this effort the fell sergeant interrupted him before the work was completed, and he was only able to bring it down to the end of the debates upon the Compromise Measures of 1850.

While this enormous work was on hand, the decision in the Dred Scott case was announced on March 6, 1857, and stirred Benton's nature to its depths. He had lived too long under the Missouri Compromise to be able to hear that famous decision with patience or in silence, and he at once wrote an elaborate and most valuable review.

There is probably little new or original in it in the way of criticism of the grounds of the decision, but from beginning to end the pamphlet is full of most valuable historical knowledge bearing on the general subject, while

the trenchant and at times fairly flaming language tells how deeply the author was stirred by what he thought a palpable error and wrong. It was written, too, under the greatest difficulties, and he says in a part, "I was breaking down under the terrible attack which kept me for two weeks face to face with death, when I was writing this Examination, and had to break off abruptly, leaving two entire heads untouched and not even alluded to." In his opinion, the first great error of the court was in

"assuming without right and without necessity to decide upon the constitutionality of the Missouri Compromise Act and the self-extension of the Constitution to the territories, . . . making a bridge to get from a case of personal rights to a question of political power. . . . The result," he sums up after examining the grounds of the decision and the history of the matter in general, "is that the decisions conflict with the uniform action of all the departments of the Federal government from its foundation to the present time, and cannot be received as a rule to govern Congress and the people without reversing that action and admitting the political supremacy of the court and accepting an altered Constitution from its hands, and taking a new and portentous point of departure in the working of the government. These decisions, being political, are dependent upon moral considerations for their effect. They cannot be enforced. No mandamus can be directed to Congress and the people; no process of contempt can issue against them."

It is not worth while to reproduce here the legal and constitutional grounds upon which he based his criticism, but some samples should be given of the savage and acrid language he uses in reviewing various acts of the public authorities in regard to then recent public events, and especially the repeal by Congress of the Missouri Compromise. He inveighed strongly against Pierce's message of December, 1856, which was to no little extent devoted to laudation of the Kansas-Nebraska Act, and which Benton believed to have been mainly written by the Attorney-General, Caleb Cushing, adding that "Mr. Pierce is not obnoxious to the strictures I am forced to make."

He then went on that its eleven pages upon this subject showed "undaunted mendacity, moral callosity, mental obliquity, Old Bailey attorney perversions of law and evidence:" specified a recent historical fact which he deemed undeniably true, and wrote that "it requires a courageous and veteran disregard of the laws of veracity to assume the contrary," as the message did: and reviled the whole scheme of the Kansas-Nebraska bill repealing the Missouri Compromise as "all fraud, cheat, trick, swindle, quackery, charlatanry, demagoguery, bladdery, and legislative blackleggery."

It required deep feeling to lead to such abuse of men and measures opposed to him, and we need not wonder that, though he nominally exonerated Pierce, yet all relations between them were broken, despite former friendship, and an enmity grew up in its place which is said to have led to the removal from office of all of Benton's friends in Missouri.

In regard to the general character of Benton's literary productions in his latter years, the pamphlet we have been examining is bitter and hot-tempered, as the extracts given serve to show, but it is beyond doubt a very valuable contribution to the general history of the subject. A *magna pars* indeed of the whole subject, he here poured out his vast stores of knowledge as to the secret moves and motives of leaders, and as to the origin and growth, for example, of many of those syllogistic straws which were forged in the wonderful brain of Calhoun in the hope of gaining for his people the rights which he considered absolutely vital to them. The student of the motives of the South in these latter-year struggles in the Union can never afford to leave this pamphlet aside.

As to the "Abridgment of the Debates of Congress," it was not a work calling for originality or for expression of opinion, and its sixteen large volumes must stand chiefly as a monument to his vast capacity for work. The

drudgery of such an undertaking would frighten many into an illness, but Benton accomplished it in a short space of time—the Introduction to the first volume bears date in May, 1856, within two years of his death,—before the days of typewriters and apparently without the aid of a clerk, except when life's breath was almost leaving his body.

His chief work, the "Thirty Years' View," may safely be left to speak for itself. Heavy, cumbersome, constantly pedantic in style, without index to point a reader where in its two vast volumes to seek for the information he wants; redolent of that egotism which was its author's greatest weakness, it is yet so stuffed with intimate knowledge of our country and of the workings of its government that all historians turn to it and find it a deep well of information.

Too long and far too heavy for the ordinary reader, he who is much interested in American history and has some knowledge of the subject will, on the other hand, read it not only with profit but often with profound interest. In 1851, Benton wrote to Hamlin of the work he was engaged upon, and spoke of it as "being a selection of my speeches, with historical notes and illustrations:" and the reader, occasionally a little weary at seeing ahead of him further copious "extracts from Mr. Benton's speech," will think the description not inapt. He wrote in a preface that he leaves out things he would wish forgotten, and tells us that his chief aim is to give inside views of the underlying motive forces rather than merely the surface indications of what led to any particular policy or action.

One most conspicuous feature of the whole book has been already adverted to,—its kindly judgment of his contemporaries. Few men can live through the struggles of public life without deriving the worst impressions of many of their compeers, but of very few does Benton have

much evil to say in the "View," while the formal notices he prints of many who died before him, are nearly all highly appreciative, and not a few give valuable details of their lives.

This work, too, is a monument to his vast industry, and in one respect which does not appear on the surface. When the second volume was far on in composition, his house was burned down and a large mass of the finished manuscript completely destroyed: but he at once went to work and rewrote it. The delay thus caused was, he thought, about six months, and not long after the fire, in the summer of 1855, he wrote his publishers "I work all the time, refusing all invitations to go anywhere." He expected the book to sell largely, but these hopes were not realized. The "Abridgment" was of course not a book to sell, but it has undoubtedly been the means of enabling thousands of students in small communities to obtain access to the important debates which they would never have secured otherwise.

Some of Benton's shorter writings of an earlier period were also admirably done, in particular those notices in which he reviewed the careers of deceased contemporaries. The language is better than in his more elaborate compositions and far superior to that of his speeches, but they are in particular full of the touch of human nature which makes all the world kin. He was conscious of their excellence and wrote in his autobiography of their being generally admired because of the perception of character they exhibited; and his one-time enemy, Foote, wrote years later in "The Bench and Bar of the South and Southwest" of Benton's eulogies in general, and in particular of that on Dr. Linn, in the highest terms as compositions "which no man of just taste can peruse without unmixed gratification."

The notice of Commodore Rodgers in the "Thirty Years' View" may also be mentioned as an admirable

sketch of a deceased contemporary in another walk of life; while the salutatory oration delivered in St. Louis to Colonel Doniphan upon his return from his wonderful march to Mexico is a slightly different, but maybe even more remarkable, illustration of his power of expressing appreciation of great deeds.

As is often the case, Benton's declining years were full of sorrow. His wife, his devotion to whom was such as to be rarely equalled even by men of the most gentle nature, had slight strokes of paralysis in 1844 and was from that date an invalid. He at once, despite the harassing circumstances of his remaining political life, devoted a large part of his precious time to caring for her and would never from that time on go out to drive or to any amusement of any kind in the evening. Her mind seems gradually to have failed, but she never ceased her delight in being near him, and he always aimed to amuse her and bore the necessary trials of her weakness with absolute dignity and without a sign of consciousness to the outside world. Dyer tells a story of how some distinguished foreigner was brought one evening to the Benton house to make the acquaintance of the Missouri Senator, and while the party of several men were talking together in the parlor, poor Mrs. Benton appeared at the door, much *déshabillé,* and stood gazing fondly at her husband. When the company began to look towards the door, Benton did the same and, seeing his wife, at once, with the greatest dignity, went to her and led her in, introducing the company to her " with the majesty of a demigod." He then placed her beside him and went on with the conversation, precisely as if everything was as might be wanted, while the others took no notice of the occurrence but were deeply moved at the tenderness shown by him.

Mrs. Benton died rather suddenly, it seems, on September 10, 1854, in the absence of her husband, who was either in or on the way to St. Louis. They had had the

great misfortune to lose both of their sons,—a misfortune which was of course aggravated to the father by the necessity of largely bearing it alone, because of his wife's failure. On the occasion of the death of the youngest—James McDowell Benton—the father made some speech in St. Louis in which he poured out his lamentations in the following language:*

"I have domestic affections sorely lacerated in these latter times; an afflicted wife whom I have never neglected, and who needs my attention now more than ever; children, some separated from me by the wide expanse of oceans and continents, others by the slender bounds which separate time from eternity. I touch the age which the Psalmist assigns for the limit of manly life, and must be thoughtless indeed if I do not think of something beyond the fleeting and shadowy pursuits of this life, of all which I have seen the vanity. What is my occupation? Ask the undertaker, that good Mr. Lynch, whose face, present on so many mournful occasions, has become pleasant to me. He knows what occupies my thoughts and cares; gathering the bones of the dead—a mother, sister, two sons, a grandchild—planting the cypress over assembled graves, and marking the spot where I and those who are dear to me are soon to be laid; all on the sunset side of the Father of Floods, the towering city of St. Louis on one hand, the rolling stream of the Missouri on the other; and where a cemetery of large dimensions is to be the future necropolis of unnumbered generations. These are my thoughts and cares, and the undertaker knows them."

The eldest son Randolph had, it seems, not a little of the dogged will and strong determination of his father, and some of the daughters, too, inherited his high mettle. With this went, if tradition is to be believed, a degree of self-will, and some at least are said to have made marriages not a little against the wishes of their parents. It can hardly be doubted that the career of John C. Fré-

* This speech is printed in a pamphlet in the Gilpin Library of the Historical Society of Pennsylvania, entitled, "Funeral Discourse on Mrs. Elizabeth Benton, wife of Hon. Thomas H. Benton, delivered in the Second Presbyterian Church, Monday, March 26, 1855, by Rev. N. L. Rice, D.D., St. Louis, 1855."

mont was on many occasions greatly influenced by his Benton-like wife, and in one instance she certainly saved it from blight by the audacity of a very young wife who dared to tear up letters from high military authorities and send instead post-haste orders of her own to the young lieutenant to be off at once on his exploring expedition and out of reach of orders to stop. All the daughters married: Eliza becoming the wife of William Carey Jones, Jessie Ann of John C. Frémont, Sarah of Richard Taylor Jacob, and Susan of Baron Gauldrée Boileau of the French Legation at Washington.

It has been said that Benton enjoyed remarkably good health, and I have found no interruption of this until late in the course of the disease which ended his life. He spoke * once of having gone to Cincinnati in April of 1844 for "recovery from a great injury," but I do not know to what this referred, and it can hardly have had any connection with his final disease. This latter was a cancer of the lower bowel, which cannot well have endured so long as fourteen years. Mrs. Frémont writes that he had the cancer at the time his house was burned in February, 1855, and was already consulting physicians, though concealing the trouble from his family. Later, an operation gave temporary relief, but the disease returned. He suffered atrocious torments from it often and was once in 1857 for some two weeks very near dying, but the end did not finally come until the morning of Saturday, April 10, 1858. His last audible words were "I am comfortable and content."

On the evening preceding his death, the President had called upon him and had a long interview. Benton is said to have been much gratified at the visit and to have expressed his extreme solicitude for the condition of public affairs and a painful sense of the imminent dangers

* C. G., 28th Cong., 1st Sess., appendix, p. 499.

which threatened the country, exhorting Buchanan to rely upon Divine support and guidance.*

On the day preceding his death a rumor got abroad that the end had come, but the *Union* wrote that inquiry showed that "late in the afternoon he was propped up in bed, working, with his indomitable perseverance and industry," upon the "Abridgment." The rumor of his death spread pretty generally and on Friday, April 9, Morris of Pennsylvania said in the House of Representatives that he "thought it proper that the House should now adjourn, to take notice of a fact in the history of the country." As soon as he explained that he had just heard of Benton's death, his motion was at once carried; and it was only after the actual adjournment that Jones of Tennessee was able to have read a letter dated April 8 from Benton to him and Houston of the Senate, in which the writer said,

"To you, as old Tennessee friends, I address myself to say that, in the event of my death here, I desire that there shall not be any notice of it in Congress. There is no rule of either House that will authorize the announcement of my death; and if there were such a rule, I should not wish it to be applied in my case, as being contrary to my feelings and convictions, long entertained, as shown in a note to a speech of Mr. Randolph on the occasion of the death of Mr. David Walker, published in the Abridgment of the Debates, vol. vi., page 566. The request of Mr. Walker, there recorded, and the remarks of Mr. Randolph † express entirely my sentiments and convictions. Should therefore any of my kind friends in either House make it necessary to do so, I intrust you to make known by means of this note my express wish and desire that the event remain unnoticed in Congress."

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* Obituary notice from the Washington *Union*. A large number of these notices, cut from various newspapers, was kindly loaned me by the late Hon. Richard T. Jacob. I have used them sparingly for some of the scenes during his last days, and chiefly in regard to details of his funeral.

† Walker had expressed a wish, with which the House complied, that "he might be buried without pomp or parade, attended by a

On Monday, the 12th, when his actual death was known, motions were carried in both Houses of Congress for an adjournment on that day at an hour to enable members to attend the funeral at two o'clock, but in accordance with his expressed wishes no other notice of the event was taken. The day was a very inclement one, with rain falling in torrents, but there was none the less a large attendance at the ceremony, including the President of the United States, heads of departments, foreign ministers, members of Congress, and others. After the Episcopal service was read, the body of Benton and that of a grandson, who had by a curious coincidence died in his house closely at the same time, were taken to the railroad station, followed by most of those present, and then sent to St. Louis.

Immediately upon his death, there was in his home—and probably throughout the country—one of those revulsions of feeling, which some look upon merely as evidence of the fickleness of the mob, but which are in reality based on a generous feeling and the desire to recognize and do honor to eminent services rendered in the past, in spite of recent differences. The people of Missouri, as well as Benton himself, had taken their stand as to the public questions of the day, and there could be no co-operation between them; but, now that he was dead and there was therefore no longer cause for difference, the overwhelming mass of his fellow-citizens delighted to do him reverence.

A meeting of the citizens of St. Louis, corporations, societies, the courts, adjourned or passed resolutions in his honor, and an enormous mass of citizens turned out

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few only of his friends;" and Randolph placed a draft for one thousand dollars in the hands of a friend in order to have his body carried home and buried at his own expense, without parade and pageantry.

on the occasion of the funeral. It was estimated that twenty-five thousand people viewed the remains, as they lay in state in the Mercantile Library Hall, and, in accordance with the customs on such occasions in that day, the Soldiers of 1812, the judges of the courts and members of the bar, the Mayor and City Council, some semi-public organizations, and a host of societies, formed a part of the funeral procession. All this was, moreover, strictly voluntary, and great crowds of people also watched the procession go by. One newspaper writes that " the entire population of the region appears to have gathered at the central scene and along the line of the procession. The streets around the church were literally packed with human beings, while for squares the throngs of people and carriages were nearly impassable. Roofs, balconies, windows, awnings, and trees were burdened with spectators."

The cortége was estimated to be two miles in length, and I have been told by an eye-witness that as it passed by every head was bared. This again was an entirely voluntary tribute and, I take it, by no means usual or a mere formality. Services were held in the Second Presbyterian Church, and finally the procession moved on, partly by railroad, to Bellefontaine Cemetery, and there " on the sunset side of the Father of Floods, the towering city of St. Louis on one hand, the rolling stream of the Missouri on the other," were placed at rest the mortal remains of one who was, in the highest and best sense, one of our greatest statesmen.

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